

HIGH COURT OF TRIPURA
AGARTALA

WP(C) 674 OF 2024

Dr. Rajat Deb, S/o Sri Ranjit Kumar Deb,
R/o Ward No.35, Pyari Babur Bagan, Joynagar, Agartala,
District-West Tripura, PIN-799001, Age-45 years.

...Petitioner

Vrs.

1. Tripura University (A Central University), Established by Tripura University Act, 2006, being represented by the Registrar, Tripura University, Suryamaninagar, District-West Tripura, PIN-799022.

2. The Registrar, Tripura University, Suryamaninagar, District- West Tripura, PIN-799022.

3. The Vice Chancellor, Tripura University, Suryamaninagar, District-West Tripura, PIN-799022.

For the petitioner (s) : Mr. P. Roy Barman, Sr. Advocate.
Mr. S. Bhattacharjee, Advocate.

For the respondent (s) : Mr. D. Bhattacharya, Sr. Advocate.
Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE ARINDAM LODH

07.11.2024

Order

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. S. Bhattacharjee, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharyya, learned senior counsel assisted by Mr. S. Saha, learned counsel appearing for the respondents-Tripura University (Central).

When the matter came up, I have interacted with learned Registrar, Tripura University (Central). The fact of the case is that the petitioner has been working as an Assistant Professor under Tripura University (Central). In pursuance of an advertisement dated 04.10.2024, the petitioner desired to apply for the post of Professor (Commerce). Some criteria are mentioned in Clause 5 and 19 of the advertisement which stipulate thus:

5. Candidates already in employment shall apply through proper channel (and submit formal "No Objection Certificate" during interview, if called for).

19.Experience Certificate: All claims of experience shall be supported by an Experience Certificate which should be clear and complete in all respects in the organization's letter-head, bear the date of issue, specific period of work, name and designation of issuing authority along with signature and official seal."

Since the petitioner has been working as an Assistant Professor under the University, he submitted an application on 21.10.2024 to the authority concerned to issue Experience Certificate in his favour in terms of Clause 19 as quoted here-in-above, facilitating his application to be submitted for the post of Professor (Commerce) through proper channel.

Having failed to obtain such Experience Certificate, the petitioner again approached the authority concerned by submitting another application on 29.10.2024, but, till then the respondents-Tripura University (Central) has not issued such certificate in his favour compelling him to approach this Court by way of filing the instant writ petition since the last date of submitting application for the post of Professor (Commerce) through proper channel is on 10.11.2024.

During the course of hearing, learned Registrar, Tripura University (Central) has submitted that out of some misconception over this matter, the Experience Certificate was not issued in favour of the petitioner. Learned Registrar has brought to the notice of this Court a notification dated 28th October, 2024 [Annexure-13 to the writ petition] whereby and whereunder it was informed to all concerned that "no 'NOC' from Tripura University is required for 'Internal Candidates' to apply for various Teaching and Non-teaching posts in Tripura University notified vide Advertisement No. F.TU/Teach-Rec/2024/02, dt. 04.10.2024..".

Based on this notification, learned Registrar, Tripura University has tried to persuade this Court that they were of the understanding that Experience Certificate was not required for internal candidates.

Mr.Bhattachayya, learned senior counsel also has echoed and supported the logic expressed by learned Registrar.

I am really astonished for the reason that when the Respondents-Tripura University in its advertisement has specifically mentioned separate criteria that, one requiring "Experience Certificate" and another requiring the "NOC", then, how the University was persuaded to hold that "Experience Certificate" was/is not required. In my opinion, this is an utter negligence on

the part of the University and its authorities who are responsible to deal with the matter. The logic and the reasoning given by learned Registrar supported by Mr. Bhattacharyya, learned senior counsel appearing on behalf of the University are not at all acceptable to this Court. Furthermore, the petitioner is eligible to apply for the post of Professor in all respects. He applied for issuance of Experience Certificate not on single occasion, but, twice. Had the Experience Certificate not required, according to the University, then, question is why the respondents-Tripura University preferred to keep silence over the issue, and why it was not informed to the petitioner that Experience Certificate was not required in his case because he was treated as internal candidate.

I am in agreement with Mr. Roy Barman, learned senior counsel appearing for the petitioner that the petitioner has suffered mental agony for not issuing Experience Certificate by the University and further, the petitioner has unnecessarily been compelled to take the burden of filing the instant writ petition.

Considering the matter in its entirety, in my opinion, the respondents-Tripura University is found to be enough negligent in dealing with the matter and the explanation, learned Registrar has given to this court, in my opinion, cannot be acceptable. Since the Tripura University is found to be negligent and the petitioner suffers mental agony, he is required to be compensated for unnecessarily dragging him into litigation. Added to it, this Court has also wasted its valuable time for such kind of negligent act of the Tripura University (Central) compelling the petitioner to approach the Court.

However, I have kept in mind that during interaction learned Registrar, Tripura University (Central) has undertaken that by today evening necessary Experience Certificate will be issued in favour of the petitioner or a notification will be issued stating *inter alia* that for 'internal candidates' no Experience Certificate will be required. Whatever it may be, I direct the Registrar, Tripura University (Central), respondent no.2, herein to facilitate the submission of application of the petitioner through proper channel for the post of Professor (Commerce) in terms of the advertisement dated 04.10.2024.

In the light of aforesaid discussion and keeping in mind the conduct of the Tripura University (Central), I am constrained to impose a cost

of Rs.25,000/- (Rupees twenty five thousand) as compensation in favour of the petitioner. The cost, out of compensation, shall be paid to the petitioner by tomorrow i.e. 08.11.2024.

I express my thanks to learned Registrar, University-respondents who appeared personally and assisted this Court.

With the aforesaid discussion and directions, the instant writ petition stands disposed. Connected application, if any, shall also stand disposed.

JUDGE

SANJAY GHOSH

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