

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.128 of 2023

Laksman Debnath,

Son of Sri Ramesh Debnath, resident of Jangalia, Bishalgarh, Routhkhola,
West Tripura, Pin 799102.

..... Petitioner(s)

V E R S U S

1. The State of Tripura,

(To be represented by) the Secretary, Home (Fire & Emergency Services) Department, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, Pin 799010.

2. The Additional Secretary,

Home (Fire & Emergency Services) Department, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, Pin 799010.

3. The Director, Fire & Emergency Services,

Directorate of Fire & Emergency Services, Tripura, Fire Brigade Chowmuhani, Agartala, West Tripura, Pin 799001.

..... Respondent(s)

WP(C) No.735 of 2023

1. Md. Mansur Ali,

Son of Matachir Ali, resident of Kalacherra, Hurua, Kadamtala, Dist North Tripura, Pin 799251.

2. Dipankar Sen,

Son of Late Nirmal Sen, resident of Hrishyamukh, Belonia, Dist South Tripura, Pin 799156.

3. Ujjal Debbarma,

Son of Chandra Badhan Debbarma, resident of Gokul Nagar, PO North Gokulnagar, Dist West Tripura, Pin 799205.

4. Ratan Debbarma,

Son of Kiran Debbarma, resident of Rajkandi, Ganganagar, Dist North Tripura, Pin 799290.

5. Amal Sarkar,

Son of Anil Sarkar, resident of Chanpara, PO Bishalgarh, Dist Sepahijala, Tripura, Pin 799102.

6. Swadhin Ranjan Chakma,

Son of Bir Mohan Chakma, resident of Gach Bagan, Laxmipur, Dist Dhalai, Tripura, Pin 799284.

7. Amal Bhowmik,

Son of Rabindra Chandra Bhowmik, resident of Dhajanagar, Chandranagar, Dist Sepahijala, Tripura, Pin 799102.

8. **Subal Das,**
Son of Late Janardhan Das, resident of Meran Tila, Near ICDS Centre, Paschim Kalabaria, Ward No. 05, Belonia, Dist South Tripura, Pin 799155.
9. **Samir Hazari,**
Son of Rajmohan Hazari, resident of Khamarhati, Madhupur, Dist Sepahijala, Tripura, Pin 799100.
10. **Rabindra Debnath,**
Son of Snidham Debnath, resident of Brajapur, Near Lalsinghmura, Dist Sepahijala, Tripura, Pin 799102.
11. **Sukhamoy Debnath,**
Son of Suresh Chandra Debnath, resident of Uptakhali, Ward No. 02, Dist North Tripura, Pin 799260.
12. **Ranjit Das,**
Son of Pichan Das, resident of New Manu, Nabagram, Dist South Tripura, Pin 799143.
13. **Ranjan Ghosh,**
Son of Rajkumar Ghosh, resident of Manik Bhandar, East Lambuchara, Dist Dhalai Tripura, Pin 799287.
14. **Jitesh Chandra Das,**
Son of Dwijendra Chandra Das, resident of Sona Ram Kobra Para, Purba Nalichara, Dist Dhalai, Tripura, Pin 799204.
15. **Tapash Chowdhury,**
Son of Late Gour Chand Chowdhury, resident of Kashipur, Ward No. 17, Mission Road, PO Reshambagan, Agartala, Dist West Tripura, Pin 799008.
16. **Samir Kumar Nath,**
Son of Late Nishi Kanta Nath, resident of Radhapur, Ward No.03, Dharmanagar, Dist North Tripura, Pin 799253.
17. **Uttam Kumar Das,**
Son of Late Sudhir Chandra Das, resident of Ward No.05, Udaipur, Radhakishorepur, Dist Gomati, Tripura, Pin 799120.
18. **Sridam Das,**
Son of Late Jadu Ram Das, resident of North Bhuratali, South Tripura, Pin 799143.
19. **Nakshatra Jamatia,**
Son of Late Kumar Jamatia, resident of Kalapara, Ward No. 01, Manu, PO Manpathar, Santirbazar, South Tripura, Pin 799144.
20. **Parimal Kuri,**
Son of Late Upendra Kumar Kuri, resident of Giridhari Palli, Ward No. 06, Radhakishorepur, Udaipur, Dist Gomati, Tripura, Pin 799120.
21. **Kiriti Bhattacharjee,**
Son of Late Kripamoy Bhattacharjee, resident of Madhya Nayapara, Ward No. 12, Dharmanagar, North Tripura, Pin 799250.
22. **Sanjib Karmakar,**

Son of Sudhir Karmakar, resident of Ward No. 18, Krishnanagar, Pragati Road, Durga Chowmuhani, PO Agartala, West Tripura, Pin 799001.

23. Uma Sankar Modak,

Son of Late Nani Gopal Modak, resident of Khayerpur, Ward No. 17, Dist West Tripura, Pin 799008.

24. Tanmoy Chakraborty,

Son of Late Shibabrata Chakraborty, resident of Kalachand Kobra Para, Ward No. 05. PO Bankimnagar, Jirania, West Tripura, Pin 799045.

25. Bikendra Debbarma,

Son of Manindra Debbarma, resident of Sumanta Para, Uttar Pramod Nagar, TuichingGram Bari, Chebri, Dist Khowai, Tripura, Pin 799207.

26. Swapan Kumar Deb,

Son of Late Gopal Chandra Deb, resident of Purnadas Para, Durgapur, PO Santinagar, Kalyanpur, Khowai, Tripura, Pin 799203.

27. Manoranjan Debnath,

Son of Late Gopal Chandra Debnath, resident of Kaminidas Para, Ward No. 04, R.K. Ganj, Santirbazar, Dist South Tripura, Pin 799144.

28. Samar Patawari,

Son of Rakhal Patawari, resident of Ward No. 05, Santirbazar, Dist South Tripura, Pin 799144.

29. Jagadish Deb,

Son of Manik Deb, resident of Ampinagar, Paschim Para, Amarpur, Dist Gomati, Tripura, Pin 799101.

30. Krishnapada Ghosh,

Son of Suklal Ghosh, resident of Madhya Dukli, PO Dukli, Dist West Tripura, Pin 799003.

31. Bala Ram Das,

Son of Late Birendra Chandra Das, resident of Nalgaria, PO & PS Ranirbazar, Dist West Tripura, Pin 799035.

32. Jitu Debbarma,

Son of Indra Debbarma, resident of Ward No. 04, Birchandra Thakur Para, Radha Mohan Pur, Jirania, Birendranagar, Dist West Tripura, Pin 799045.

33. Alak Das,

Son of Late Annada Das, resident of Ramsundar Nagar, Joynagar, PO Agartala HO, Dist West Tripura, Pin 799001.

34. Bidhan Chandra Das,

Son of Late Brajabasi Das, resident of Ward No.09, Pabiacherra, PO Kumarghat, Dist North Tripura, Pin 799264.

35. Benu Bhusan Debnath,

Son of Nani Gopal Debnath, resident of Sripur AWC, Radhanagar, Dist North Tripura, Pin 799290.

36. Sanjib Sinha,

Son of Madhab Lal Sinha, resident of Goldharpur, Kailashahar, Dist Unakoti, Tripura, Pin 799277.

37. **Prahallad Banik,**
Son of Late Bijoy Kumar Banik. resident of Co-Operative Para, Badharghat, Agartala, PO A. D. Nagar, West Tripura, Pin 799003.
38. **Rajesh Ghosh,**
Son of Radheshyam Ghosh, resident of South Briddha Nagar, Khayerpur, Dist West Tripura, Pin 799035.
39. **Sarajit Nath,**
Son of Sukhamay Nath, resident of Ward No. 04, Subhash Nagar, Daincharra, Kanchanpur, Dist North Tripura, Pin 799270.
40. **Raman Pal,**
Son of Bidya Bihari Pal, resident of Ward No. 05, Thana Road, Dharmanagar, Dist North Tripura, Pin 799250.
41. **Shyamal Roy,**
Son of Dilip Kumar Roy, resident of Ghosh Para, Harinakhola, Dist West Tripura, Pin 799210.
42. **Kamal Kanti Paul,**
Son of Late Ajit Kumar Paul, resident of Chandrapur, Indiranagar, Dist Gomati, Tripura, Pin 799013.
43. **Andulan Tripura,**
Son of Jarmejyot Tripura, resident of Karamchara, Dhalai Tripura, Pin 799266.
44. **Haridhan Mallik,**
Son of Late Laxmindar Mallik, resident of 60 Card, PO Sarma, Gandacherra, Dist Dhalai, Tripura, Pin 799284.
45. **Sanjit Paul,**
Son of Rabindra Chandra Paul, resident of Matri Palli, Badharghat, PO A.D. Nagar, Dist West Tripura, Pin 799003.
46. **Sajal Das,**
Son of Umesh Chandra Das, resident of North Bhuratali, South Tripura, Pin 799143.
47. **Siddhartha Das,**
Son of Ramesh Chandra Das, resident of Ward No.16. Sonamura Chowmuhani, Udaipur, Dist Gomati Tripura, Pin 799120.
48. **Sanjit Debnath,**
Son of Pulin Debnath, resident of Rajarbagh, Radhakishorepur, Udaipur, Dist Gomati, Tripura, Pin 799116.
49. **Suman Bhattacharjee,**
Son of Haridhan Bhattacharjee, resident of Office Tilla, Puran Palli, PO Bishalgarh, Dist Sepahijala, Tripura, Pin 799102.
50. **Pradip Sukla Das,**
Son of Kshetra Mohan Sukla Das, resident of Ward No. 08, Bhangar Par, Khilpara, Dist Gomati, Tripura, Pin 799116.
51. **Ratan Banik,**
Son of Dhaneswar Banik, resident of Tarapur, Krishnanagar, Dist North Tripura, Pin 799290.

52. **Surjya Kumar Debbarma,**
Son of Late Muni Chandra Debbarma, resident of Bim Chandra Para, Ampinagar, Dist Gomati Tripura, Pin 799101.
53. **Krishna Dewan,**
Son of Rajendra Dewan, resident of Bichitra Das Para, Manughat, Dist Dhalai, Tripura, Pin 799275.
54. **Biswajit Das,**
Son of Rakhal Chandra Das, resident of Sitai Basi Para, PO Lowgang, Bagafa, Santirbazar, Dist South Tripura, Pin 799144.
55. **Arun Debnath,**
Son of Anil Debnath, resident of Paschim Champamura, Khayerpur, Dist West Tripura, Pin 799008.
56. **Rabindra Debbarma,**
Son of Late Rajkumar Debbarma, resident of West Champamura, Khayerpur, Dist West Tripura, Pin 799008.
57. **Nandan Chakraborty,**
Son of Late Gangadhar Chakraborty, resident of Samatal Para, PO Rangkang, Amarpur, Dist Gomati, Tripura, Pin 799101.
58. **Tinku Das,**
Son of Manik Lal Das, resident of Batapura, Laxminarayanpur, Chebri, Purba Ramchandraghat, Dist Khowai, Tripura, Pin 799207.
59. **Kangsa Das,**
Son of Atal Das, resident of Samatal Para, PO Bampur, Amarpur, Dist. Gomati, Tripura, Pin 799101.
60. **Tani Debbarma,**
Son of Late Bimal Debbarma, resident of Kaiya Chand Bari, Purba Barjala, PO S. N. Colony, Dist West Tripura, Pin 799045.
61. **Nitai Das,**
Son of Late Debendra Chandra Das, resident of Shitla Para, Kakraban, Ichachara, Dist Gomati, Tripura, Pin 799105.
62. **Amal Sarkar,**
Son of Chanchala Sarkar, resident of Pandit Para, Madhupur, Bishalgarh, Dist Sepahijala, Tripura, Pin 799100.
63. **Samrat Sarkar,**
Son of Narayan Sarkar, resident of Purba Chhataria, Dist Gomati, Tripura, Pin 799114.
64. **Manoranjan Paul,**
Son of Late Amarchand Paul, resident of Barabhaiya, Dist Gomati, Tripura, Pin 799114.
65. **Baban Choudhury,**
Son of Late Pran Kumar Choudhury, resident of Tamsabarui, Nabadwip Chandra Nagar, Sonamura, Dist Sepahijala, Tripura, Pin 799131.
66. **Nitai Shil,**
Son of Late Narayan Chandra Shil, resident of Shalgara, Dist Gomati, Tripura, Pin 799114.

67. **Jhantu Kumar Basak,**
Son of Late Narayan Chandra Basak, resident of VK Palli, Sabroom, Dist South Tripura, Pin 799145.
68. **Md. Golap Hossain,**
Son of Md Basak Miah, resident of Ward No. 04, West Bank of Jagannath Dighi, PO Udaipur, PS Radhakishorepur, Dist- Gomati, Tripura, Pin 799120.
69. **Swapan Majumder,**
Son of Late Manoranjan Majumder, resident of Ward No. 05, Palatana, Kakraban, Udaipur, Dist Gomati, Tripura, Pin 799116.
70. **Ramendra Debbarma,**
Son of Deb Charan Debbarma, resident of Purba Ganki, PO Khowai, Dist Khowai, Tripura, Pin 799202.
71. **Keshab Karmakar,**
Son of Late Samarendra Karmakar, resident of Ward No. 05, Taranagar, Dist West Tripura, Pin 799211.
72. **Kalicharan Das,**
Son of Subodh Das, resident of Lebachara, Jatanbari, Nutanbazar, Dist Gomati, Tripura, Pin 799104.
73. **Samiran Nama,**
Son of Manmohan Nama, resident of Vill Amtila, Kadamtala, Dist North Tripura, Pin 799261.
74. **Brajendra Debbarma,**
Son of Late Jamini Debbarma, resident of Vill Paschim Champahour, North Jamtila, Paschim Takchaya Bari, Dist Khowai, Tripura, Pin 799201.
75. **Gobinda Mahishya Das,**
Son of Gunasindhu Mahishyadas, resident of Vill Ward No. 04, Pabiacherra, Kumarghat, Dist North Tripura, Pin 799264.
76. **Madan Sarkar,**
Son of Sambhunath Sarkar, resident of Vill. Ward No. 05, Rajapur, Bokafa, Santirbazar, Dist South Tripura, Pin 799125.
77. **Ratan Shil,**
Son of Late Bhasan Chandra Shil, resident of Vill Chandinamura, Barjala, Dist West Tripura, Pin 799002.
78. **Sankar Sutradhar,**
Son of Late Matilal Sutradhar, resident of Vill Poangbari, Melaghar, PO Rudijala, Sonamura, Dist Sepahijala, Tripura, Pin 799115.
79. **Shibu Kumar Das,**
Son of Dharendra Chandra Das, resident of Vill Maharanipur, PO Chakmaghat, Laxmipur, Teliamura, Dist Khowai, Tripura, Pin 799205.
80. **Aniruddha Dey,**
Son of Anil Chandra Dey, resident of Vill Bhati Abhoynagar, PO Agartala, Dist West Tripura, Pin 799001.
81. **Keshab Baidya,**

Son of Late Jagadish Baidya, resident of Vill+PO South Chandrapur, Udaipur, Dist Gomati, Tripura, Pin 799013.

82. Ananga Bhattacharjee,

Son of Sarba Nanda Bhattacharjee, resident of Vill Panisagar, Dist North Tripura, Pin 799260.

83. Ranjit Debnath,

Son of Hemanta Debnath, resident of Vill Nath Para, Dakshin Murapara, Dist South Tripura, Pin 799013.

84. Sefan Chandra Das,

Son of Fani Lal Das, resident of Vill Bagbasa, Chanda Para, Dist North Tripura, Pin 799253.

85. Rakhal Das,

Son of Rebati Bhushan Das, resident of Vill Sukanta Nagar, Ratiabari, Pabia Charra, Dist North Tripura, Pin 799264.

86. Sushanta Das,

Son of Kumud Das, resident of Vill Ward No. 08, Fulchari, Noagaon, Kamalpur, Dist Dhalai, Tripura, Pin 799285.

87. Santonu Saha,

Son of Karunasindhu Saha, resident of Vill Jagaharimura, Agartala, Dist West Tripura, Pin 799004.

88. Mantosh Sinha,

Son of Late Gour Mani Sinha, resident of Vill Rupash Pur, Kamalpur, Dist Dhalai, Tripura, Pin 799285.

89. Krishnadhan Sarkar,

Son of Satyendra Sarkar, resident of Vill Kentali (Barakmura), Melaghar, Sonamura, Dist Sepahijala, Tripura, Pin 799115.

90. Arjun Debbarma,

Son of Sukuchandra Debbarma, resident of Vill West Takarjala, Bishalgarh, Dist Sepahijala, Tripura, Pin 799102.

91. Mitran Sarkar,

Son of Jogendra Sarkar, resident of Vill Harinakhola, Dist West Tripura, Pin 799210.

92. Amit Debbarma,

Son of Harilal Debbarma, resident of Vill Chankhala, PO Uttar Dashgaria, Sidhai Mohanpur, Dist West Tripura, Pin 799212.

93. Dilip Banik,

Son of Late Dwijendra Banik, resident of Vill Bankar, Dist Khowai, Tripura, Pin 799201.

94. Sanjoy Mallik,

Son of Shib Charan Mallik, resident of Vill West Amtila, PO Saraspur, Dist North Tripura, Pin 799261.

95. Biplab Tripura,

Son of Bhadra Kumar Tripura, resident of Vill Joy Ram Modi Para, Bhagaban Choudhury Para, PO Lembuchera, Dist West Tripura, Pin 799210.

- 96. Uttam Kumar Das,**
Son of Srikanta Das, resident of Vill Dwarikapur, PO Bagan Bazar, Dist West Tripura, Pin 799203.
- 97. Prasenjit Das,**
Son of Bhajan Chandra Das, resident of Vill Hair Mara, Near Nabajiban Sangha, Badharghat, Agartala, PO A.D. Nagar, Dist West Tripura, Pin 799003.
- 98. Goutam Paul,**
Son of Kishore Ranjan Paul, resident of Vill + PO Golirai Bari, Madhya Pathalia, Dist Sepahijala, Tripura, Pin 799103.
- 99. Manoj Debbarma,**
Son of Biswa Kumar Debbarma, resident of Vill Ward No. 15, North Banamalipur, Near Bodhjung Road, PO Agartala, Dist West Tripura, Pin 799001.
- 100. Gupta Ranjan Tripura,**
Son of Bhaglam Tripura, resident of Vill Ultachara, PO Karamchara, Dist Dhalai, Tripura, Pin 799264.
- 101. Pranesh Sarkar,**
Son of Anil Sarkar, resident of Vill South Majlishpur, PO Majlishpur, Dist West Tripura, Pin 799035.
- 102. Rajeshwar Debbarma,**
Son of Lt. Balai Debbarma, resident of Vill Purba Chandpur, PO Bairagipara, Dist West Tripura, Pin 799211.
- 103. Mithun Sarkar,**
Son of Kshitish Sarkar, resident of Vill Ward No. 3, East Champamura, PO Old Agartala, Uttar Champamura GP, Dist West Tripura, Pin 799008.
- 104. Rajendra Debbarma,**
Son of Sashi Kumar Debbarma, resident of Vill Ward No. 3, Dhup Chara (Near Panchayet), PO Dhup Chara, Dist West Tripura, Pin 799004.
- 105. Ramprasad Datta,**
Son of Janardhan Datta, resident of Vill Uttar Salgara, Near Kabiraj Para, PO Salgara, Dist Gomati, Tripura, Pin 799114.
- 106. Harkumar Das,**
Son of Lalit Das, resident of Vill Chankap, Kamalpur Road, Near GP Singha Garh Colony, Salema, PO Kamalpur, Dist Dhalai, Tripura, Pin 799286.
- 107. Subash Hrangkhawl,**
Son of Dasharath Hrangkhawl, resident of Vill Babumanipara, Sardu Karkari, PO N.K.R. Para, Dist Khowai, Tripura, Pin 799205.
- 108. Uttam Das,**
Son of Swapan Das, resident of Vill Das Para, PO Howaibari, Teliamura, Dist Khowai, Tripura, Pin 799205.
- 109. Litan Bhowmik,**
S/O Madhusudhan Bhowmik, resident of Vill Howaibari (Arju Sardar Para), PO Howaibari, Teliamura, Dist Khowai, Tripura, Pin 799205.

- 110. Asit Kumar Nama,**
Son of Lt. Abinash Chandra Nama, resident of Vill Hapania, PO Agartala
ONGC, Dist West Tripura, Pin 799014.
- 111. Biplab Sutradhar,**
Son of Late Manoranjan Sutradhar, Resident of Khowai, Tripura, Pin
799202.

..... Petitioner(s)

V E R S U S

- 1. The State of Tripura,**
(To be represented by) the Secretary, Home (Fire & Emergency
Services) Department, Government of Tripura, New Secretariat
Complex, Kunjaban, Agartala, West Tripura, Pin 799010.
- 2. The Additional Secretary,**
Home (Fire & Emergency Services) Department, Government of
Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura,
Pin 799010.
- 3. The Director, Fire & Emergency Services,**
Directorate of Fire & Emergency Services, Tripura, Fire Brigade
Chowmuhani, Agartala, West Tripura, Pin 799001.

..... Respondent(s)

For Petitioner(s) : Mr. P. Roy Barman, Senior Advocate.
Mr. Samarjit Bhattacharjee, Advocate.
Mr. D. Paul, Advocate.

For Respondent(s) : Mr. S.S. Dey, Advocate General.
Ms. A. Chakraborty, Advocate.

Date of hearing & delivery
of judgment : 20th August, 2024.

Whether fit for reporting :

YES	NO
✓	

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA

JUDGMENT & ORDER (ORAL)

We have heard Mr. P. Roy Barman, learned senior counsel assisted
by Mr. Samarjit Bhattacharjee and Mr. D. Paul, learned counsel for the
petitioners and also Mr. S.S. Dey, learned Advocate General assisted by Ms. A.
Chakraborty, learned counsel for the respondents.

[2] Common issues being involved, both the writ petitions are heard together and are being disposed of by this common judgment.

[3] The petitioners of both the writ petitions initially joined to the post of Fireman under the Director of Fire Service on different dates in different years from 1990 A.D. onwards. Some of them have later on been promoted to the next promotional post of Leading Fireman and Junior Operator (Control Room). Meanwhile, some of the petitioners also successfully completed External Sub Officer Course and in this regard, the Director of National Fire Service College, Nagpur also issued certificates in their favour and therefore, now they are in expectation of their promotion to the post of Sub Officer.

[4] Earlier, according to the petitioners, they would be guided by the Recruitment Rules for the post of Sub Officer as issued vide notification No.5(3)-PD/64 dated 28.10.1971 and as per said Rules, all the post of Sub Officer would be filled up by way of promotion from the post of Leading Fireman/Fireman, with at least 2 years service in the grade failing which by direct recruitment and educational criteria were-(i) *matriculate or equivalent*, (ii) *other technical qualifications as per Fire Service rules as prescribed from time to time* and as per said Rules, number of total sanctioned post for Sub Officer was 04.

[5] Now, it is the grievance of the petitioners that suddenly the State Government in exercise of power under Article 309 of Constitution of India has made another Recruitment Rules for the post of Sub Officer issued vide notification No.F.5(12)-PD/2013(P-II)/3625 dated 28.11.2022 and as per said new Rules, the numbers of sanctioned post of such Sub Officer have been shown to be 115 by enhancing from earlier number of sanctioned post of 04.

Now by the new Rules of 2022, it has been stipulated that 50% of such post will be filled up by way of promotion through Departmental Examination and 50% by direct recruitment through TPSC. Even the experience in the feeder post has been changed and now in case of promotion, a Leading Fireman/Junior Operator (Control Room) having at least 10 years of service in the Department is eligible for such promotion failing which such post may be filled up from the post of Driver/Fireman having at least 15 years service in the Department and therefore, due to such significant changes brought in the subsequent Recruitment Rules of 2022, same has been challenged in these writ petitions alleging the same to be ultra vires and is detrimental to the petitioners and other similarly situated persons.

[6] Mr. P. Roy Barman, learned senior counsel of the petitioners with stress argues that by incorporation of such rigors in the new Recruitment Rules of 2022, the avenues for promotion to the post of Sub Officer has been significantly narrowed down by incorporating that 50% of post will be filled up by direct recruitment. It has also been contended by Mr. Roy Barman, learned senior counsel that by the new Rules, now a Leading Fireman shall have to work for 10 years in the feeder post and shall have to qualify the departmental examination though some of the petitioners have already completed Sub Officer course of National Fire Service College, Nagpur through its regional training centre situated at Guwahati and the curriculum for such course is similar to the course of departmental examination and therefore, once they have qualified said course, they should not be again insisted to qualify the departmental examination. For these reasons, according to Mr. Roy Barman, learned senior

counsel, the new Recruitment Rules of 2022 is completely irrational, illegal and arbitrary and violative of Article 14 and 16 of the Constitution.

[7] Mr. S.S. Dey, learned Advocate General, on the other hand, submits that in view of the growing importance and professional responsibility and to meet up the new challenges of modern times pertaining to fire and life safety of the general people, well educated young and energetic professionals are required to be appointed in the post of Sub Officer which is basically a pivotal post in the Department to supervise a group of Leading Fireman/Fireman during fire fighting, search and rescue operations apart from doing other various administrative works. Keeping in view of above said challenges vis-a-vis requirements to meet up the same, according to learned Advocate General, the old Rule of 1971 was repealed by bringing new Rule in the year 2022 and the State has its complete authority and competence to do the same under Article 309 of the Constitution and therefore, there is no merit in the writ petitions. Mr. Dey, learned Advocate General further contends that it is a matter of State policy and the Rules of 2022 has been framed purely in public interest.

[8] According to us, law in this regard is already settled. In *P.U. Joshi and others vs. Accountant General, Ahmedabad and others*, (2003) 2 SCC 632, the Apex Court observed that it is open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. The relevant paragraph No.10 of the said decision is also excerpted below:

“10. We have carefully considered the submissions made on behalf of both parties. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of policy is within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the statutory tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing the existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service.”

[9] Further, a candidate can be considered for promotion in terms of the Rules as existent on the date when consideration for such promotion takes place and not by the previous Rules. Reference in this regard may be made to a 3-Judge Bench decision of Hon’ble Supreme Court in case of *State of Himachal Pradesh and others vs. Raj Kumar and others*, (2023) 3 SCC 773 and relevant portions of the judgment are extracted below:

“82. A review of the fifteen cases that have distinguished *Rangaiah* would demonstrate that this Court has been consistently carving out exceptions to the broad proposition formulated in *Rangaiah*. The findings in these judgments, that have a direct bearing on the proposition formulated by *Rangaiah* are as under:

82.1. There is no rule of universal application that vacancies must be necessarily filled on the basis of the law which existed on the date when they arose, *Rangaiah* case must be understood in the context of the rules involved therein.

82.2. It is now a settled proposition of law that a candidate has a right to be considered in the light of the existed rules, which implies the "rule in force" as on the date consideration takes place. The right to be considered for promotion occurs on the date of consideration of the eligible candidates.”

[10] Further, recently a 3-Judge Bench of the Apex Court in *Ravikumar Dhansukhlal Maheta and another vs. High Court of Gujarat and others*, 2024 SCC Online SC 972 at Para 81 also observed that the courts cannot sit in review to decide whether the policy adopted for promotion is suited to select the ‘best candidates’, unless on the limited ground where it violates the principle of equal opportunity under Article 16 of the Constitution.

[11] Here, incorporation of a condition that 50% of the sanctioned post of Sub Officer shall be filled up by direct recruitment and 50% shall be filled up by promotion through departmental examination does not violate the principle of equal opportunity as enumerated under Article 16 of the Constitution. As already held by the Apex Court as noted above, it is well within the competency of the State to incorporate, to alter or amend and vary by addition or otherwise, the qualifications and eligibility criteria in respect of promotion. Thus, we find no merit in these writ petitions to interfere with the Recruitment Rules of 2022 as framed by the State for the post of Sub Officer. However, as Mr. Roy Barman, learned senior counsel raises a point that qualifying of Sub Officer course under National Fire Service College, Nagpur is equivalent to passing of departmental examination as enumerated in the Recruitment Rules of 2022, the State respondents may examine and consider whether such passing of Sub Officer course may be treated as equivalent to passing of such departmental examination or not.

[12] In view of above discussion, we find no merit to interfere with the impugned Recruitment Rules of 2022 and accordingly, both the writ petitions are dismissed.

Pending application(s), if any, shall stand disposed of.

(S.D. PURKAYASTHA), J **(APARESH KUMAR SINGH), CJ**

Rudradeep

SATABDI DUTTA

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