

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.740 of 2023

Dr. Sujit Das

..... Petitioner(s).

Versus

The Tripura State Council for Science & Technology and others

..... Respondent(s).

For Petitioner(s)	:	Mr. C.S. Sinha, Advocate, Mr. D.C. Saha, Advocate.
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharyya, G.A., Mr. Ratan Datta, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

16/02/2024

Heard Mr. C.S. Sinha, learned counsel together with Mr. D.C. Saha, learned counsel for the petitioner. Also heard Mr. Kohinoor N. Bhattacharyya, learned Government Advocate and Mr. Ratan Datta, learned counsel for the respondents.

[2] The petitioner has approached this Court for consideration of his case for promotion to the post of Principal Scientific Officer from the post of Scientist/ Engineer-B by application of the replacement roster policy in terms of the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 in particular the schedule under Sections 4 & 5 with the relevant notes appended thereto.

[3] Mr. C.S. Sinha, learned counsel for the petitioner submits that the petitioner is a Scheduled Caste (SC) candidate who joined in Tripura State Council for Science and Technology (TSCST)/respondent No.1 as Scientist/

Engineer-B and still holds the same post without promotion. He has relied upon the Annual Report on man in position and vacancy position in services and posts in the TSCST as contained in the letter dated 4th May, 2023 addressed to the Director, Directorate for Welfare of Scheduled Castes, Government of Tripura by the Head of Office & DDO, TSCST, Government of Tripura (Annexure-2). He has specifically referred to column -3 of the tabular chart at page-13, which according to him indicates that in Group-A there are 2(two) posts of Principal Scientific Officer which comprise [Principal Scientific Officer (Science & Technology)-1 post and Principal Scientific Officer (Space Applications)-1 post].

[4] Mr. Sinha has also referred to the memorandum dated 13th October, 2023 issued by the member, DPC, Joint Member Secretary, TSCST, Director DSTE, Tripura State Council for Science & Technology, Government of Tripura which is a intimation of the meeting of the Departmental Promotion Committee(DPC) to be held on 31/10/2023 for filling up of 1(one) vacant post of Principal Scientific Officer in Tripura State Council for Science and Technology under the department of Science, Technology and Environment, Government of Tripura, Agartala. He has also referred to subsequent memorandum dated 30th October, 2023 which has rescheduled the DPC meeting on 08.11.2023. Annexures-9 & 10, part of the writ petition are schedules of recruitment rules for the post of Principal Scientific Officer (Space Applications), Tripura State Council for Science & Technology and Principal Scientific Officer (Science & Technology), Tripura State Council for Science & Technology.

[5] Mr. Sinha has further referred to the representation of the petitioner addressed to the Scientist/ Engineer-B, TSAC, TSCST. He submits

that as per the said communication his seniority is at 7th position and no vacant post exists under SC category against the post of Principal Scientific Officer. He has also referred to Rule 10 of the Tripura Scheduled Castes and Scheduled Tribes Reservation Rules, 1992 which relates to grouping of isolated posts. According to the learned counsel for the petitioner even if the contentions of the respondents that there are 2(two) posts of Principal Scientific Officer both having different nomenclature, the two isolated individual posts are to be grouped for application of the replacement roster policy which applies to a cadre which has less than 4(four) number of posts.

[6] Learned counsel for the petitioner has summarized the submission to the effect that the present stand of the respondents that the posts of Principal Scientific Officer (Science & Technology) and Principal Scientific Officer (Space Applications) are two separate posts not forming one cadre in which no reservation can be applied on the principles of being a single post is not correct. Both the posts are Principal Scientific Officer. The man in position and vacancy position indicated in the correspondence dated 4th May, 2023 do leave no room of doubt that these posts are forming part of one cadre where the replacement roster policy should apply in line with the provisions of the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 and the Tripura Scheduled Castes and Scheduled Tribes Reservation Rules, 1992. Therefore, the respondent may be directed to consider the case of the petitioner as the posts falling vacant would accrue to a SC candidate now.

[7] Mr. Kohinoor N. Bhattacharyya, learned Government Advocate for the State and Mr. Ratan Datta, learned counsel for the respondent-corporation both have relied upon the counter affidavit filed by the respondent No.1. It is their case that the petitioner, the then Liaison Officer of TSCST for

roster verification failed to communicate the authority for roster verification, the correct factual status of the posts of Principal Scientific Officer (Science and Technology) and Principal Scientific Officer (Space Applications) by virtue of its recruitment rules and nature of job, causing a mistaken roster verification report dated 15.02.2021. That Principal Scientific Officer (Science and Technology) and Principal Scientific Officer (Space Applications) were created as Unreserved posts since inception and both have different recruitment rules and different natures of job. They cannot be clubbed together as a single post. This has been intimated to the office of the Director, Department of Tribal Welfare and the Director, Department of Welfare of SCs for roster verification. As such the contention of the petitioner on the basis of incorrect roster verification report is not tenable in law or on facts.

[8] Learned counsel for the respondents have referred to the schedule of the recruitment rules which prescribes the number of posts i.e. one for both the class of posts Principal Scientific Officer (Science and Technology) and Principal Scientific Officer (Space Applications). They have also referred to the essential educational qualifications which are prescribed in the schedule to buttress their submission that these two posts do not form the same cadre. Being single post, no replacement roster policy can be applied. Therefore they have prayed for rejection of the prayer of the writ petitioner.

[9] I have considered the submissions of the learned counsel for the parties and taken note of the relevant documents and the pleadings placed from record. From the conspectus of facts borne from record and referred to hereinabove, it appears that the issue at hand is whether the post of Principal Scientific Officer comprises two posts and forms one cadre where roster replacement policy under the Scheduled Castes & Scheduled Tribes

Reservation Act, 1991 and Scheduled Castes & Scheduled Tribes Reservation Rules, 1992 would apply. The correspondences relied upon by the learned counsel for the petitioner do give scope for confusion as to whether both the posts form part of the same cadre as the broader nomenclature Principal Scientific Officer creates such an impression. However, if the schedule to the recruitment rules annexed by the petitioner at Annexure- 9 & 10 are carefully examined, it would leave no room for doubt that these two posts are separate and do not form part of the same cadre. For proper appreciation, the relevant part of the schedule relating to recruitment rules for the post of Principal Scientific Officer (Space Applications) (Annexure-9) and Principal Scientific Officer (Science and Technology) (Annexure-10) are being extracted hereunder:

i) Annexure-9:

“SCHEDULE
RECRUITMENT RULES FOR THE POST OF PRINCIPAL SCIENTIFIC OFFICER
(SPACE APPLICATIONS), TRIPURA STATE COUNCIL FOR SCIENCE &
TECHNOLOGY

1.	Name of the Post	Principal Scientific Officer (Space Applications)
2.	No. of Post	1(One) No. post plus additional posts as and when created
3.	Classification	Equivalent to Group “A”
5.	Method of recruitment whether by direct recruitment or by promotion or by deputation / transfer and percentage of the vacancies to be filled by various methods.	Promotion, failing which by deputation failing which by direct recruitment
7	Education and other qualifications required for direct recruits	A. <u>Essential</u> : 1 st Class Master Degree in Pure Science, Geoscience, Environmental Science, having honours in Graduation or 1 st Class Bachelor Degree in Engineering and 15 yrs experience in Science/ Technology/ Environment/ Space Applications related works in Govt./ Semi-Govt. or Autonomous Organisation/ Recognised Laboratory/ Research Institute/ University/ College out of which 5 years not below the pay band scale of ₹ 13575- ₹ 37000/- (Pay Band – 4, Gr. Pay- 4800) B. <u>Desirable</u> : i. Experience in implementation of National and State Projects on Remote Sensing, GIS & Geo-ICT Applications. ii. Ph. D or Post Graduate Degree in Geoinformatics.
11.	In case of recruitment by	7(seven) years relevant experience

	promotion/ deputation/ transfer made from which promotion/ deputation / transfer to be made	in the post of Senior Scientific Officer or equivalent post in the pay scale ₹13575- ₹ 37000/- (Pay Band – 4, Gr. Pay - ₹4800), failing which 14 years relevant experience in the pay scale of ₹13757 - ₹ 37000/- (Pay Band – 4, Gr. Pay - ₹ 4500), failing which 16 years relevant experience in the post of Scientist/ Engineer-B/ Research Officer (Engineering) in the pay scale ₹ 13575 - ₹ 37000/- (Pay Band – 4, Gr. Pay - ₹3700). Note: Relevant experience would be Space Applications or related fields.
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ii) Annexure-10:

“SCHEDULE
RECRUITMENT RULES FOR THE POST OF PRINCIPAL SCIENTIFIC OFFICER
(SCIENCE & TECHNOLOGY), TRIPURA STATE COUNCIL FOR SCIENCE &
TECHNOLOGY

1.	Name of the Post	Principal Scientific Officer (Science & Technology)
2.	No. of Post	1(One) No. post plus additional posts as and when created
3.	Classification	Equivalent to Group “A”
5.	Method of recruitment whether by direct recruitment or by promotion or by deputation / transfer and percentage of the vacancies to be filled by various methods.	Promotion, failing which by deputation failing which by direct recruitment
7	Education and other qualifications required for direct recruits	A. <u>Essential</u>: 1st Class Master Degree in Science having having honours in Graduation or 1st Class Bachelor Degree in Engineering and 15 yrs experience in Science/ Technology/ Environment/ Space Applications related works in Govt./ Semi-Govt. or Autonomous Organisation/ Recognised Laboratory/ Research Institute/ University/ College out of which 5 years not below the pay band scale of Rs.13575-37000/- (Pay Band – 4, Gr. Pay- 4800) B. <u>Desirable</u> : i. Experience in Societal Applications of Technologies/ Science Communication or Popularisation/ Remote Sensing & GIS Applications/ Promotion of Biotechnologies/ Promotion of environment friendly technologies. ii. Ph. D or Post Graduate Degree in Engineering.
11.	In case of recruitment by promotion/ deputation/ transfer made from which promotion/ deputation / transfer to be made	7(seven) years relevant experience in the post of Senior Scientific Officer (R&D) / Senior Scientific Officer (Tech Promotion) in the pay scale Rs.13575- 37000/- (Pay Band – 4, Gr. Pay - 4800), failing which 14 years experience in the pay band scale of Rs. 13757 - 37000/- (Pay Band – 4, Gr. Pay - 4500), failing which 16 years experience in the post of Scientist/ Engineer-B/ Project Officer/ Research Officer

		(Science)/ Research Officer (Engg) in the pay band scale Rs. 13575 - 37000/- (Pay Band – 4, Gr. Pay - 3700).
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[10] A close scrutiny of the different schedules prescribed under the recruitment rules for both the posts, as noted above, would leave no room of doubt that these are singular posts. The impression is further strengthened by looking to the educational and other qualifications laid down for both the posts which are not same and similar. In that way application of Rule 10 of the Reservation Rules, 1992 for grouping of these isolated individual posts could also not arise as Rule 10 prescribes that isolated individual posts and small cadres of same class/ group of service having less than four posts shall be grouped together for the purposes of reservation provided that they have the same status, salary and the same minimum qualifications prescribed for direct recruitment. Evidently the minimum qualifications for direct recruitment of these two posts vary.

[11] Moreover, prescribing separate schedule for both the posts with an indication that there is one post of Principal Scientific Officer (Space Applications) and one post of Principal Scientific Officer (Science and Technology) again reinforces the view that these two posts do not form part of one cadre and neither can be grouped for the purposes of reservation and application of roster reservation policy which the petitioner has strongly harped upon. Since a construction of the relevant recruitment rules and the schedule attached thereto, clinch the issue that these two posts do not form part of the same cadre, there does not arise any question of application of reservation to a single post as per Article 14 and 16 of the Constitution of India. Upon giving anxious consideration to the rival submission of the parties, this Court is

satisfied that the contention of the petitioner that these two posts form one and the same cadre and should be subjected to the roster replacement policy is not correct.

Accordingly, the writ petition is dismissed. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

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