

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 776 of 2023**

Shri Suvakanta Dash,
S/o Shri Tankadhar Dash,
presently residing at RIPSAT Quarter complex,
P.S- New Capital Complex Agartala,
West Tripura, PIN-799005.

.....**Petitioner(s)**

Vs.

- 1. The State of Tripura,**
through the Secretary,
Government of Tripura,
Health and Family Welfare Department,
Civil Secretariat, P.O-Agartala Secretariate,
Agartala, West Tripura, Pin- 799010.
- 2. The Deputy Secretary,**
Health and Family Welfare Department,
Civil Secretariate, P.O-Agartala Secretariat,
Agartala, West Tripura, Pin-799010.
- 3. The Director of Medical Education,**
Health and Family Welfare Department,
2nd floor of Lalpath Lab, Bidhurkarta Chowmuhani,
P.O-Agartala, P.S-West Agartala, Pin-799001.
- 4. The Mission Director,**
National Health Mission,
Palace Compound, P.O-Agartala,
West Tripura, Pin- 799001.
- 5. Tripura Public Service Commission,**
Represented by its Secretary,
Akhura Road, P.O-Agartala,
West Tripura, PIN-799001.
- 6. Shri Subhasish Das, (TCS)(SSG),**
Presently holding the post of Director,
Fire and Emergency Services,
Government of Tripura,
Fire Brigade Chowmuhani, Agartala,
Pin-799001.
- 7. Sri Rishi Raj Chhetree,**
S/O-Lt. Ram Chandra Chhetree,
R/O-G.B. Bazar, 79 Tilla Road,
Ramkrishna Pally, Near Cancer Hospital,
P/O- Kunjaban, P.S- NCC, Dist- West Agartala.

.....**Respondent(s)**

For Petitioner(s)	:	Mr. S Bhattacharjee, Adv.
For Respondent(s)	:	Mr. Kohinoor N Bhattacharjee, GA. Mr. D Sharma, Addl. GA. Mr. Somik Deb, Sr. Adv. Mr. R Datta, Adv. Mr. P Debbarma, Adv.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

05.12.2024

Heard Mr. S Bhattacharjee, learned counsel appearing for the petitioner as well as Mr. D Sharma, learned Addl. GA appearing for the respondents No.1-4, Mr. R Datta, learned counsel appearing for the respondent No.5, Mr. Kohinoor N Bhattacharjee, learned GA appearing for the respondent No.6 and Mr. Somik Deb, learned Sr. counsel assisted by Mr. P Debbarma, learned counsel appearing for the respondent No.7.

[2] The writ petition has been filed, as appears from the submissions of both sides, with the history that the petitioner following an advertisement dated 04.04.2017 issued by Tripura Public Service Commission, applied for the post of Principal (Degree) in Regional Institute of Pharmaceutical Science and Technology (for short, 'RIPSAT') and ultimately, he was offered with an appointment for the said post vide Notification dated 13.10.2017. He duly joined.

[3] Later on, in the year 2021 the respondent No.7 filed a writ petition before this court bearing No. WP(C) No. 706 of 2021 challenging such selection and appointment of the present petitioner as the Principal of the said institution. While that petition was pending, a set of questionnaires were issued to the petitioner by the State respondents on

17.10.2023. Prior to that, another set of questionnaires was issued to the petitioner vide memorandum dated 9th June, 2023 containing 29 numbers of questions relating to his credentials as a Principal of said institution. He was asked to submit his reply by 12th June, 2023.

[4] Learned counsel Mr. Bhattacharjee, submits that on 9th June, 2023 the petitioner received the said letter dated 09.06.2023 and prayed for fifteen days time to submit the same vide his letter dated 09.06.2023 itself under Annexure-6. Learned counsel Mr. Bhattacharjee, submits that the petitioner was not given any information about the fate of said letter and meanwhile, in said pending writ petition an enquiry report dated 17.06.2023 was submitted by State respondents, that the Enquiry Committee was not satisfied with the reply submitted by the present petitioner and they treated the same as non-cooperation on the part of the writ petitioner.

[5] Finally, the Coordinate Bench of this court in said writ petition bearing No. WP(C) No.706 of 2021 passed order on 21.09.2023 disposing the matter in the following terms:-

10. In view of the same, without expressing any opinion on the merits, and in view of the changed circumstances and the development that has seen the light during the pendency of this writ, the present writ petition is disposed of directing the concerned respondents to take a decision in the present subject matter on the strength of the inquiry report dated 17th June, 2023 as early as possible preferably within a period of 2(two) months from the date of receipt of the copy of this order and the same be communicated to all the concerned parties.

[6] After said writ petition was disposed of on 21.09.2023, according to the petitioner, a fresh show cause notice was issued vide memorandum dated 17.10.2023 by the Respondent No.2 under Annexure-10 asking him to show cause as to why the offer of

appointment issued to him earlier vide memorandum dated 13.10.2017 shall not be *void ab initio*.

[7] According to Mr. Somik Deb, learned Sr. counsel, along with the said show cause one enquiry report dated 23.08.2023 issued by an Enquiry Committee was enclosed wherein it was held that the petitioner lacked in minimum basic criterion for the post. Against the said show cause letter dated 17.10.2023 the petitioner submitted a petition seeking one month time under Annexure-11 and the time further extended by the State respondents up to 6th November, 2023 vide their letter dated 20.10.2023 under Annexure-12.

[8] Then, as stated, the petitioner submitted his reply on 03.11.2023 under Annexure-13 and finally, without any further communication memorandum dated 21.11.2023 (Annexure-15) was issued by the State holding that the appointment of the petitioner, issued on 13.10.2017 was *void ab initio* and therefore, same was cancelled.

[9] Having serious grievance against said letter dated 21.11.2023 the present writ petition has been filed. Learned counsel Mr. Bhattacharjee, submits that no scope of personal hearing was given to the petitioner before issuing such notice and even no formal enquiry was held.

[10] In respect of above said submission of learned counsel Mr. Bhattacharjee, learned Addl. GA Mr. D Sharma, has placed a photocopy of file note issued by the Secretary of Health and Family Welfare Department to the effect that the Health Department has now decided to reconsider the entire matter following the due process of law starting from the stage of issuing of show cause notice to the present petitioner.

[11] Learned counsel Mr. Bhattacharjee, in view of submission of learned Addl. GA that the State respondents is going to reopen the matter to decide the issue afresh starting from the point of issuing of show cause notice, submits that he is not pressing the writ petition as the matter is going to be re-opened now and liberty may be granted to him to approach this court again if grievance of his client is not mitigated by the State respondents.

[12] Learned counsel Mr. Bhattacharjee, also submits that he is not pressing for any sort of the reinstatement of the petitioner in the service at this stage. Learned Sr. counsel Mr. Deb, however, opposes that the matter cannot be reopened from the stage of show cause notice as the notice was already issued by the Department to the petitioner and he has already given the reply thereof.

[13] As already the State respondents have decided to reopen the matter again for giving opportunity to the petitioner for substantial hearing and as learned counsel of the petitioner Mr. Bhattacharjee, is also not pressing for continuance of this writ petition in the light of above said development, it appears to this court that it will not be required to keep the matter pending for adjudication at this stage.

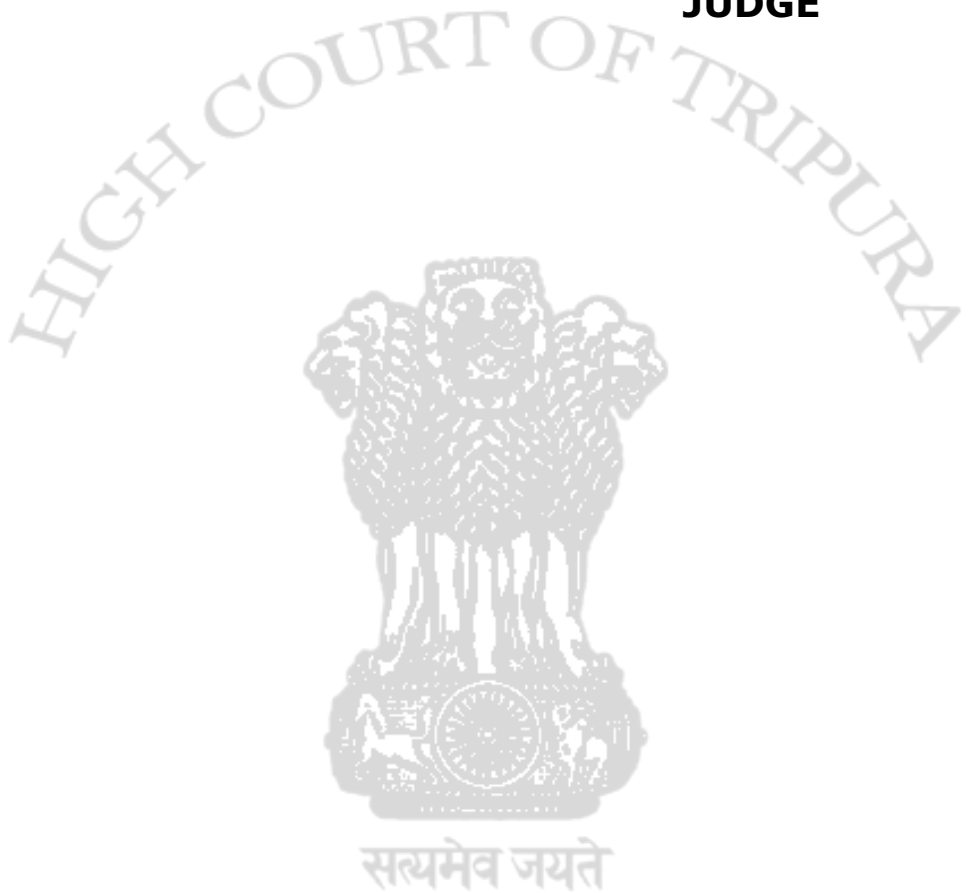
[14] Accordingly, the writ petition is being disposed of being not pressed.

[15] So far the opposition of learned Sr. counsel Mr. Deb, regarding issuance of show cause notice is concerned, the department will be at liberty to act in accordance with the law and established procedure. Needless to say, after such inquiry is complete, if any grievance persists, the petitioner will have the liberty to approach the

proper forum following due process. The concerned respondents are directed to take endeavor to complete the entire enquiry within a reasonable time.

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

JUDGE



SUJAY GHOSH

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