

HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.784 of 2023

1. Sri Raju Sukla Das, Age - 40 years

S/O-Gopal Sukla Das
resident of Madhyapara, Ampinagar, P.O-Ampinagar,
District - Gomati Tripura, PIN -799101

2. Sri Samar Dey, Age-37 years,

S/O-Makhan Lal Dey,
resident of Bankim Nagar, Ward No 1,
Jirania, West Tripura, PIN – 799045

3. Sri Biswajit Das, age 37 years

S/O Jitendra Chandra Das,
resident of Ward No 4, Shanti Palli, P.O - Amarpur,
P.S - Birganj, Amarpur, South Tripura, PIN - 799101

4. Smt. Mahaswata Chakraborty, Age-38 years,

W/O-Partha Narayan Bhattacharjee,
Sarat Palli Hospital Road, Dharmanagar,
P.O & P.S - Dharmanagar, North Tripura, PIN - 799250

5. Sri Shoumik Bhattacharjee, 38 years

S/O - Shyamal Bhattacharjee,
Resident of South Nayapara, Near Sishu Tirtha School,
P.O - Nayapara, Dharmanagar, North Tripura, PIN – 799250

....Petitioner(s)

Versus

1. The State of Tripura

To be represented by the Secretary, Education (School) Department,
Government of Tripura, New Secretariat Building, New Capital Complex,
Kunjaban, Agartala, West Tripura, PIN 799010)

2. The Director of School Education,

Government of Tripura, Agartala, West Tripura

3. The Secretary, Department of Finance,

Govt. of Tripura New Secretariat Building,
New Capital Complex, Kunjaban, Agartala,
West Tripura, PIN 799010

....Respondent(s)

For the Petitioner(s)	:	Mr. Kawsik Nath, Advocate
For the Respondent(s)	:	Mr. Kohinoor N. Bhattacharyya, G.A
Date of hearing and Delivery of Judgment & Order	:	21/09/2024
Whether fit for reporting	:	Yes

HON'BLE MR. JUSTICE ARINDAM LODH
JUDGMENT & ORDER (ORAL)

Heard Mr. Kawsik Nath, learned counsel appearing for the petitioners.
Also heard Mr. Kohinoor N. Bhattacharyya, learned G.A appearing for the State-respondents.

2. Short question involves in this writ petition is whether the petitioners are entitled to get one advance increment in terms of Rule 13(1)(ii) of Tripura State Civil Services (Revised Pay) Rules, 2009 [for short, ROP Rules, 2009]. According to the petitioners, they have completed B.Ed degree course before entering into the service.

3. The State-respondents by way of filing counter affidavit have stated that the petitioners are not entitled to get one advance increment in terms of ROP Rules, 2009 as they joined in service on 26.08.2010 in the post of Post-Graduate Teachers under the State-respondents when they did not obtain B.Ed. degree.

4. It reveals from the records that the petitioners appeared in B.Ed. examination before entry in the service, but their results were declared after two months of their entry in the service. In view of this, in the opinion of this Court, it is necessary to reproduce Rule 13(1)(ii) of ROP Rules, 2009, which reads thus:-

“13. Training Incentive:- (1).....

(ii) Those teachers who had obtained B.Ed/UGBT certificate before entry in the service and had not got any other form of training incentive shall also be provided one increment in the pre-revised scale incentive on 01-01-2006 or from the date of coming over to these rules or from the date of his appointment whichever is later for the purpose of revision of their pay under these rules.”

5. On plain reading of the above Rule, it is crystal clear that one must obtain B.Ed degree before entry in the service. The expression “*before entry*

in the service” is carrying enough significance in the context of the present case. The language clearly provides that a teacher must obtain B.Ed degree before entry in the service. In the considered view of this Court, a degree is said to be obtained, at least, after publication of result one is found to be successful in the examination. It is the specific case of the petitioners that though they appeared in B.Ed examination prior to entry in the service, but the results were declared after two months of their entry in the service. The question, in this situation whether the court can read or look for a meaning in a different way. According to rules of statutory interpretation, when the language of the statute is clear and does not suffer from any ambiguity, the Court should not tend to add, incorporate, import or mend any words in the statute. Strict literal construction should be given in such a case. The fundamental principle of interpretation is that the language employed in the act and when the words are clear and plain, the Court is bound to accept the expressed intention of the legislature.

6. While interpreting Section 41(1) of the Presidency Small Cause Courts Act, 1882(as amended by Maharashtra Act 19 of 1976), the Supreme Court observed that ‘the golden rule is that the words of a statute must *prima facie* be given their ordinary meaning when the language or phraseography employed by the legislature is precise and plain’. [***Prabhudas Damodar Kotecha and Ors. Vs. Manhabala Jeram Damodar and Anr., (2013) 15 SCC 358, PP.371, 372***]

7. Again, Sub-section (7) of Section 6 of the Press Council Act, 1978 provides: ‘a retiring member shall be eligible for re-nomination for not more than one term’. The Supreme Court applied the literal and grammatical

meaning of these words and held that the provision applied to a member 'just retiring' and not to a retired member.

8. In my ultimate analysis, when the legislative intendment is clear and the meaning is plain, literal rule of interpretation must be applied and the court cannot depart from the plain and grammatic meaning. I re-iterate that the language of Rule 13(1)(ii) is clear and unambiguous.

9. In the context of the case, it is the clear intendment of the legislature that the benefit of providing one increment would be given to those teachers who obtained B.Ed. degree before entry in the service. So, according to me, this Court should not depart from basic rules of literal construction and must adhere to the plain language employed by the legislature. Here, the legislature did not intend to give the benefit of the provision enumerated in Rule 13(1)(ii) of ROP Rules, 2019 to those teachers who obtained B.Ed degree after entry in the service.

10. At the cost of repetition, the petitioners did not obtain the B.Ed degree before entry in the service. As such, the petitioners are not entitled to get one advance increment as they prayed for in the present writ petition.

11. For the reasons recorded here-in-above, the instant writ petition stands dismissed.

JUDGE

Rohit