

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.1045 of 2022

Dr. Sarmistha Chakraborty

Wife of Dr. Prasun Bhattacharjee, permanent resident of village Pragati Road, Krishnanagar, P.O- Agartala, P.S- West Agartala, District- West Tripura, aged about 35 years.

....Petitioner(s)

Versus

1. The State of Tripura

Represented by the Commissioner & Secretary, Department of Health & Family Welfare, Government of Tripura, having his office at Secretariat Building, P.O- Kunjaban, P.S- New Capital Complex, District- West Tripura, Pin-799006.

2. The Commissioner & Secretary,

Department of Health & Family Welfare, Government of Tripura, having his office at Secretariat Building, P.O- Kunjaban, P.S- New Capital Complex, District- West Tripura, Pin-799006.

3. The Under Secretary,

Department of Health & Family Welfare, Government of Tripura, having his office at Secretariat Building, P.O- Kunjaban, P.S- New Capital Complex, District- West Tripura, Pin-799006.

4. The Director, Department of Health & Family Welfare,

Government of Tripura, having his office at Secretariat Building, P.O- Kunjaban, P.S- New Capital Complex, District- West Tripura, Pin-799006.

5. The Deputy Director,

Department of Health & Family Welfare, Government of Tripura, having his office at Secretariat Building, P.O- Kunjaban, P.S- New Capital Complex, District- West Tripura, Pin-799006.

6. Tripura Public Service Commission,

represented by its Secretary, having its office at Lenin Sarani, Agartala, P.O.-Kunjaban, West Tripura, Pin-799001.

7. The Secretary,

Tripura Public Service Commission, having his office at Lenin Sarani, Agartala, P.O- Kunjaban, West Tripura, Pin-799001.

....Respondent(s)

For Petitioner(s)	:	Mr. Somik Deb, Sr. Advocate Ms. A. Chakraborty, Advocate
For respondent(s)	:	Mr. Kohinoor N. Bhattacharyya, G.A Mr. Kundan Pandey, Advocate Ms. K. Reang, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH

Order

09/07/2024

Heard Mr. Somik Deb, learned senior counsel assisted by Ms. A. Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. Kohinoor N. Bhattacharyya, learned G.A. assisted by Ms. K. Reang, learned counsel appearing for the State-respondents as well Mr. Kundan Pandey, learned counsel appearing for the respondents-TPSC.

By means of filing the instant writ petition, the petitioner has prayed for her promotion to the post of THS, Grade-III. The petitioner has stated in the writ petition that she is senior to one Dr. Bijayaditya Datta. It is the plea of the petitioner that she was first selected in the year 2013 and was asked to join as Medical Officer under the respondents. However, the petitioner did not join as she was interested to pursue her Post-Graduate course. After completion of Post-Graduate course successfully, and in pursuance of a fresh selection process, she joined as Medical Officer on *ad-hoc* basis under the respondents in the year 2017. Thereafter, the petitioner filed a writ petition before this Court to treat her service on regular basis w.e.f. 29.05.2013 and the seniority therefrom. Thereafter, this Court by an order dated 12.09.2017 passed in *WP(C) 1209 of 2017* directed the respondents to consider the representation of the petitioner for her absorption afresh and to regularize her service with effect from 29.05.2013. The order passed by this Court was considered by the respondents. On such consideration, the respondents had passed an order dated 06.01.2018 (*Annexure-12* to the writ petition) whereby the service of

the petitioner was regularised with effect from the date of her appointment to the post under the fresh selection process i.e. with effect from 03.05.2017 and not from 29.05.2013.

It is the claim of the petitioner that by now she is entitled to be considered for promotion to the post of Medical Officer Grade-III as she fulfills all the criteria laid down in the rules published vide notification dated 26.06.2018 (*Annexure-13* to the writ petition).

Learned G.A has submitted that the petitioner will be considered for promotion in due course as per existing rules under the Tripura Health Service.

In my opinion, since the respondents have already passed an order dated 06.01.2018 to regularize the service of the petitioner w.e.f. 03.05.2017, no further order needs to be passed by this Court.

Needless to say, the respondents shall decide the future promotion of the petitioner in accordance with law treating her service w.e.f. 03.05.2017.

With the above observation and direction, this writ petition stands disposed of.

JUDGE

Rohit

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by SAIKAT KAR
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