

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.93 of 2025

Bikash Debnath,

Son of Sri Ranjit Debnath,

Resident of East Assam Para,

Ranirbazar, West Tripura, PIN- 799035, (Age- 30 years).

.....Petitioner(s)

- V e r s u s -

1. The State of Tripura,

(To be represented by) the Secretary, Department of Labour, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S. New Capital Complex, Agartala, West Tripura, PIN- 799010.

2. The Secretary, Department of Labour, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S. New Capital Complex, Agartala, West Tripura, PIN- 799010.

3. The Director of Employment Services & Manpower Planning, Tripura, Directorate of Employment Services & Manpower Planning, Agartala, West Tripura, PIN- 799001.

4. The Chairman, Joint Recruitment Board, Tripura, Shram Bhavan, Office Lane, Agartala, West Tripura, PIN- 799001.

5. The Member Secretary, Joint Recruitment Board, Tripura, Shram Bhavan, Office Lane, Agartala, West Tripura, PIN- 799001.

6. The Controller, Joint Recruitment Board, Tripura, Shram Bhavan, Office Lane, Agartala, West Tripura, PIN- 799001.

7. The Chief Engineer, Water Resources, Public Works Department, Govt. of Tripura, Kunjaban, Agartala, West Tripura, PIN- 799006.

..... Respondent(s)

For the Petitioner(s)	:	Mr. Purusuttam Roy Barman, Sr. Advocate. Mr. Dipjyoti Paul, Advocate.
For the Respondent(s)	:	Mr. Mangal Debbarma, Addl. G.A.
Date of hearing and delivery of Judgment & Order	:	22nd September, 2025
Whether fit for reporting	:	NO

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (Oral)

Heard Mr. Purusuttam Roy Barman, learned senior counsel appearing for the petitioner and Mr. Mangal Debbarma, learned Addl. G.A. appearing for the respondents.

2. The petitioner, being an aspirant for the post of Junior Operator(Pump), applied for the post in pursuance of an advertisement dated 27.11.2020 issued by Joint Recruitment Board Tripura (JRBT) (Annexure-1 to the writ petition). He appeared in the written examination and his name was found to be placed in the final merit list as notified vide notification dated 13.09.2023 (Annexure-5 to the writ petition) as a successful candidate. JRBT recommended his name for the post of Junior Operator(Pump) but, despite the same, he was not favoured with any job and, therefore, he sent a representation to respondent No.7 on 18.12.2023 (Annexure-6 to the writ petition). According to the petitioner, he did not receive any response regarding that letter and therefore, the writ petition has been filed with the following prayers:

“(i) Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order/direction shall not be issued whereby directing the Respondents to issue offer of appointment in favour of the Petitioner in the post of Junior Operator (Pump), in c/w Advt. No. 01/2020 and Notification, dated 12.02.2021, for the posts of Group-C, [Lower Division Clerk (LDC), Agriculture Assistant (Except TAFS Grade-III), Agriculture Assistant (TAFS Grade-III), Junior Operator (Pump) & Junior Multi-Tasking Operator (Uncommon)].

(ii) Make the rules absolute.

(iii) Pass any further order/orders as this Hon’ble High Court considered fit and proper.”

3. As per the advertisement dated 27.11.2020 and subsequent notification issued on 12.02.2021 (Annexure-1 and Annexure-2 to the writ petition), the required qualification for Junior Operator(Pump) as published is as follows:

Eligibility	Name of the Post	Details of essential qualification
Criteria	Junior Operator (Pump)	<u>Common for Junior Operator(Pump) and Junior Multi Tasking Operator(Un-common)</u> i.e.
	Junior Multi Tasking Operator (un-common)	(a) Madhyamik or equivalent examination passed from any recognized Board/ Institution. And (b) National Trade Certificate (NTC) issued by National Council for Vocational

		Training(NCVT) in any of the following trade (i) Welder (Gas & Electric), (ii) Plumber, (iii) Turner, (iv) Fitter, (v) Mechanic Diesel, (vi) Pump Operator cum Mechanic, (vii) Wireman, (viii) Electrician
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4. The respondents from the side of State Government stated in their counter affidavit that JRBT did not receive any representation from the petitioner on 18.12.2023, rather it was submitted to the respondent No.7, as the petitioner was aware that respondent No.7 was the competent authority to issue the offer of appointment. Thereafter, the said respondent No.7 was impleaded as a party in the writ petition.

5. Respondent No.7 on appearance submitted a counter affidavit mentioning that the petitioner had passed Higher Secondary Examination and was holding a National Trade Certificate issued by National Council for Vocational Training for Assistant Plumber and duration of the course was 06(six) months' whereas the trade of Pump Operator cum Mechanic, as per Recruitment Rules(RR), requires 01(one) year training and therefore, there was a numerical shortfall in the duration of the course completed by the petitioner. The entire relevant portion of the counter affidavit of respondent No.7 is extracted below:

"5.
A conspicuous shortfall is observed during checking of documents in the eligibility criteria of the petitioner in comparison to the prescribed RR namely, the petitioner's trade of *Assistant Plumber* is of six (06) months' duration, whereas the trade of *Pump Operator cum Mechanic*, as per the RR, requires one (01) year of training. This constitutes a numerical shortfall. In reply of the representation made by the petitioner, by a letter dated 30th October, 2024, the petitioner was also intimated by the ITI, Indranagar, Agartala about 1(One) year duration for Plumber course.

This being the conspicuous shortfall noticed in the eligibility criteria of the petitioner comparing to the fact that applicants / petitioners trade of Assistant Plumber is for duration of six(06) months whereas, as per RR the trade of Pump Operator duration is for one year and therefore, the petitioner has not been considered for providing offer of appointment by answering respondent.

This is one of the numerical shortfall but as curriculum of both the trades of Pump Operator cum Mechanic &

Assistant Plumber having maximum similarity except some areas in broader spectrum.

It's understood that the petitioner might be in a position to discharge the responsibility of Jr.Operator(pump) with his attained qualification and other supporting experience but discernment in lacuna in trade duration whether could be compensated with his experience gathered as mentioned under is the area of jurisdiction/Jurisprudence of the Hon'ble court.

The applicant/petitioner after going through rigorous grilling of written examination and oral examination conducted by JRBT came out successful as made his standing / embossed his standing at serial 1614 out of 1980 selected candidates. The petitioner seemingly interested in the post of a Jr.Operator(Pump) commensurating with his eligibility as having the qualification like H.S(+2 Stage) passed and having National Trade certificate in the trade of Assistant plumber along with 05(five) years of experience in handling in trade alike.

The academic tenure of Assistant Plumber and Plumber is different in duration but there is wider similarity in curriculum (copy enclosed). The recruitment Rules (RR) framed by the JRBT board for the post Jr.Operator(pump) & Jr. Multi Tasking Operator (Un-common) could be helpful to discharge the responsibility of Jr.Operator (pump) or in the event as he has been selected by JRBT board, one kind of refresher training would be abounding to make him academically similarized and accordingly Hon'ble court may be kind enough to deliver guidance so that petitioner might get reprieve in order to facilitate his aspiration to serve the Govt. to meet his livelihood. Therefore churning out all the barrier, it is solicited to Hon'ble court to evolve a strategy so as to consider any relief to the petitioner."

6. The respondent No.7 through his said affidavit has also asserted that this Court may be pleased to deliver guidance so that the petitioner may fulfill his aspiration to serve the Govt. to meet his livelihood.

7. Mr. Roy Barman, learned senior counsel submits that as per the counter affidavit of respondent No.7, said authority has no objection to give a direction for appointing the petitioner as Junior Operator(Pump). Learned senior counsel also submits that the matter may be referred to the respondents No.1 & 7 to consider the case of the petitioner in light of the averments made by respondent No.7 in their counter affidavit.

8. Mr. Debbarma, learned Addl. G.A. submits that he has no objection if the matter is left for consideration of the respondents No.1 & 7.

9. This Court has taken into consideration of the submissions of both the sides and also perused the materials placed on record and the relevant Rules, namely, Recruitment Rules for the post of Junior Operator(Pump) under the Water Resources(WR)/Drinking Water and Sanitation (DWS) wing/wings of PWD.

10. The copy of the amendment of 2014 of said Rules has been submitted by respondent No.7 as Annexure-R/2, wherein the education and other qualification required for direct recruitment to the post of Junior Operator(Pump) is mentioned as follows:

"Madhyamik or its equivalent Examination passed from any recognized Board/ Institution with certificate from ITI on Fitter/ Motor Mechanic/ Diesel Mechanic/ Turner/ Welder/ Electrician Trade."

11. As it appears, there is no mention of any required certificate in respect of discipline plumbing in the said Rules. However, in the advertisement, as indicated above, the National Trade Certificate discipline 'Plumber' was also included as one of the required technical qualifications for said post. The State is the employer of the petitioner and it appears from the counter affidavit of respondent No.7 that though the academic tenures of Assistant Plumber and Plumber are different in duration but there are wider similarities in curriculum. The respondent No.7 has given a positive view in favour of the petitioner regarding his recruitment against the post of Junior Operator(Pump) with certain reasoning as indicated above.

12. It is for the employer to decide who will be the best suited person against a particular post. The Recruitment Rules are, therefore, prepared by the employer, keeping in mind their requirements and

needs, so that the duties attached to a post can be discharged effectively and efficiently by the person appointed in the said post. As it appears, the representation, submitted by the petitioner to respondent No.7 on 18.12.2023 (Annexure-6 to the writ petition) is still pending. Though the respondent No.7 has referred to a letter of the Principal, ITI, Indranagar, sent to the petitioner giving the course details of Plumber and Assistant Plumber, but this is not the reply to the prayer of the petitioner, praying for issuance of an offer of appointment.

13. In view of the discussions and the submissions made by both sides, the writ petition is disposed of without giving any observations on the merits of the case, directing the respondents No.1 & 7 to dispose of the representation of the petitioner with a reasoned order, after examining the case of the petitioner in accordance with established principles of law and the applicable rules, and to communicate a copy of such decision to the petitioner within 08(eight) weeks of receipt of the copy of this order.

With such observation(s) and direction(s), the writ petition is disposed of.

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

JUDGE

SUJAY GHOSH

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