

**IN THE HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C) No.77 of 2025

Sri Abhijit Das, son of Sri Naresh Chandra Das, resident of Village College Square & PO- Sarashima, PS- Belonia, Sub-Division- Belonia, District- South Tripura, PIN-799155, aged about 36 years.

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

- V e r s u s -

- 1. The State of Tripura**, represented by the Commissioner & Secretary, Labour Department, 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**, Labour Department, Government of Tripura, having his office at Secretariat Building, P.O. Kunjaban, P.S. New Capital Complex, District- West Tripura, PIN-799006.
- 3. The Commissioner & Secretary**, G.A. (P & T) Department, Government of Tripura, having his office at Secretariat Building, P.O. Kunjaban, P.S. New Capital Complex, District- West Tripura, PIN-799006.
- 4. The Joint Recruitment Board of Tripura**, Employment Services & Man Power Planning Department, Government of Tripura, represented by its Member Secretary, having his office at Office Lane, P.O. Agartala, P.S. West Agartala, District- West Tripura.
- 5. The Member Secretary**, Joint Recruitment Board of Tripura, Employment Services & Man Power

Planning Department, Government of Tripura, having his office at Office Lane, P.O. Agartala, P.S. West Agartala, District- West Tripura.

- 6. The Chairman,**
Joint Recruitment Board of Tripura,
Directorate of Employment Services &
Man Power Planning Department,
Labour Department, having his office
at Office Lane, P.O. Agartala, P.S. West
Agartala, District- West Tripura.
- 7. The Controller of Examination,**
Joint Recruitment Board of Tripura,
Directorate of Employment Services &
Man power Planning Department,
Labour Department, Government of
Tripura, having his office at Office
Lane, P.O. Agartala, P.S. West
Agartala, District - West Tripura.

..... Respondent(s)

For Petitioner(s)	:	Mr. Somik Deb, Sr. Advocate. Mr. P Debbarma, Advocate.
For Respondent(s)	:	Mr. M Debbarma, Addl.GA
Date of hearing and delivery of judgment	:	20.08.2025
Whether fit for reporting	:	NO

BEFORE
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

20.08.2025

Heard learned senior counsel Mr. S Deb, assisted
by Mr. P Debbarma, learned counsel appearing for the
petitioner and Mr. M Debbarma, learned Addl. GA appearing
for the respondents.

[2] According to the petitioner, in pursuance of advertisement No.1/2020 (Annexure-1) dated 27.11.2020 for recruitment of 1500 nos. of Lower Division Clerk, Group-C, Non-Gazetted posts, he applied for the said post and thereafter, another notification was issued by Joint Recruitment Board of Tripura (JRBT) on 12.02.2021 (Annexure-2) adding further 910 nos. of posts [22 posts of Agriculture Assistant (Except TAFS Grade-III), 443 posts of Agriculture Assistant (TAFS Grade-III), 236 posts of Junior Operator (Pump) and 209 numbers of post of Junior Multi Tasking Operator (Uncommon)] in the said recruitment process. It was also categorically mentioned in the said notification that the candidates who had already applied for the posts of 1500 nos. Lower Division Clerk, Group-C, Non-Gazetted posts would not require to apply once again in respect of the newly added 910 Group-C posts and their candidature for all the 2410 nos. Group-C posts would be considered on their educational qualification etc.

[3] It is the grievance of the petitioner that he scored 57 marks being a SC category candidate in the written examination, but he was not called for document verification and interview, despite the fact that in the advertisement dated 12.02.2021 against instruction No.8 it was

categorically mentioned that primary merit list would be prepared by adding marks obtained in all papers of written examination to restrict the number of candidates to be called for interview, and candidates equivalent to three times to the number of vacancies (1:3) shall be called for an interview (category wise) subject to attainment of minimum qualifying marks in written examination (35% for UR candidates and 30% for Reserved candidates).

[4] Learned senior counsel Mr. Deb refers to clause 25 of the prospectus-cum-instruction manual issued by JRBT in respect of the said recruitment process wherein also it was mentioned that a candidate who would secure 35% (for UR candidates) and 30% (for Reserved candidates) or more marks, would be considered to have passed the examination and the candidates who scored the pass marks or more, would be asked for scrutiny of certificate/document of academic and professional qualification.

[5] Now, it is the primary grievance of the petitioner that even though he has qualified the written examination, was not called for document verification and interview. With such grievance, he has filed the writ petition praying for the following reliefs:-

(i) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, for directing them, to transmit the records, lying with them, for rendering the impugned Notification dated 29.11.2022 (Annexure-6 supra), Notice dated 30.11.2022 (Annexure-7 supra), Notification dated 13.09.2023 (Annexure-8 supra) & the Notification dated 13.09.2023 (Annexure-9 supra).

(II) Issue rule , calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, for mandating/directing them, to revoke/rescind the impugned Notification dated 29.11.2022 (Annexure-6 supra), Notice dated 30.11.2022 (Annexure-7 supra), Notification dated 13.09.2023 (Annexure-8 supra) & the Notification dated 13.09.2023 (Annexure-9 supra), and thereupon, for mandating/directing them, to forthwith draw up a separate Select List for the posts of Junior Operator (Pump) & Junior Multi Tasking Operator (Uncommon);

(III) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Prohibition and/or in the nature thereof, shall not be issued, for restraining/prohibiting them, from acting in any manner, in furtherance of the impugned Notification dated 29.11.2022 (Annexure-6 supra), Notice dated 30.11.2022 (Annexure-7 supra), Notification dated 13.09.2023 (Annexure-8 supra) & the Notification dated 13.09.2023 (Annexure-9 supra);

(iv) In the Ad-Interim, and thereafter, on hearing the parties, an Order, in terms of Relief (iii) supra;

(v) Call for the records appertaining to this petition;

(vi) After hearing the parties, be pleased to make the Rule Absolute in terms of i. to iv. above;

(vii) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper;

[6] Learned senior counsel Mr. Deb, submits that despite having specific condition in the instruction manual itself that candidates who obtained the qualifying marks would be called for document verification, the recruiting authority has violated the said condition by depriving the petitioner from appearing for document verification and thereafter for interview. Mr. Deb, learned senior counsel also submits that the petitioner was an aspirant for both the posts of LDC, Group-C as well as Junior Operator (Pump) and Junior Multi Tasking Operator (Uncommon). According to learned senior counsel Mr. Deb, the provisions of ST/SC Reservation Act, 1991 was also not properly followed in the matter of determination of post meant for reserved category candidates.

[7] Learned Addl. GA Mr. M Debbarma, in reply firstly refers to the acknowledgement slip (Annexure-5) issued by JRBT in favour of the petitioners which shows that the petitioner applied against the advertisement No.2/2020, though in the column "post applied for" it was mentioned that he had applied for Group-C post (LDC, Agri-Assistant, Pump Operator, Multi Tasking Operator).

[8] Learned Addl. GA Mr. Debbarma, also submits that he has no proper information as to whether the petitioner had applied against the advertisement No.1/2020 or against the advertisement No.2/2020. Mr. Debbarma, also contends that the petitioner being SC category candidate only scored 57% marks but as it was a common recruitment process for all the above said five posts, a common merit list meant for all the candidates who applied for different posts, were prepared and published wherein the last candidate called for interview under SC category scored 74% marks which was higher than the marks obtained by the petitioner and therefore, he was not called for document verification.

[9] According to Addl. GA the process as followed by the Recruitment Authority was totally in terms of the advertisement and related instruction manual and no error has been committed by said authority in selection of candidates for above said posts.

[10] This Court has considered the submissions of both sides and also has gone through the records.

[11] So far the first plea taken by the learned Addl. GA that acknowledgement slip mentions that the petitioner has applied for the advertisement No.2/2020, is concerned, it

appears that perhaps in the acknowledgement slip it was wrongly mentioned by the JRBT, as against the column "posts applied for", it was specifically mentioned that the petitioner had applied for Group-C post. Even in their counter affidavit also the respondents have categorically stated in paragraph No.8 that the petitioner had scored 57 marks out of total 170 marks in the written examination whereas the last provisionally qualified candidate of 'SC' category scored 74 marks and that a separate examination was conducted by JRBT on 20.08.2021 for the post of Multi Tasking Operator (Group-D) following the advertisement notification No.2/2020 dated 03.12.2020.

[12] Above said assertions of the respondents itself clarifies the position that advertisement No.02/2020 was relating to a Group-D post whereas the petitioner applied for Group-C post and his marks was counted with reference to the advertisement No.01/2020 and not against the advertisement No.02/2020.

[13] So far the second challenge of the respondents that the petitioner got less mark than what the last provisionally qualified candidate of SC category had scored, is concerned, said matter along with matters of challenge

made by the petitioner are already decided by this court on 12.08.2025 in another identical writ petition being WP(C) No. 264/2024 in between **Sri Kinkar Bhowmik vs. The State of Tripura & Ors.**, and therefore, no detailed discussion is required to be repeated in this judgment. The present writ petition is wholly covered by said decision. Some of the relevant portions of the judgment in **Kinkar Bhowmik's** case is also extracted hereunder:

"[18] Said memorandum dated 26.7.2018 takes into account the fact of differences between a general posts and a technical posts for the purpose of selection process through written examination with further noting that the pattern and syllabus for written examination may be different for technical and non-technical posts. For clubbing of posts for common recruitment process, it is also indicated therein that the posts of similar nature i.e. LDC, LDC (Store) and LDC (certificate) may be clubbed together in a common recruitment process. It is also further suggested therein that the recruiting agency should go for such selection process based on the attitude and skill set required for a particular posts. Here in the case in hand, post of lower division clerk is a general post and Junior Operation (pump), Junior Multitasking Operator (un-common) are technical posts for which separate trade certificate are required for appointment against said posts. But the JRBT has failed to take note of said guidelines and proceeded for selection through a common recruitment process just only for the reason all these posts are Group-C posts.

[19] That apart, the Clause 25(a) and Clause 25(c) of the prospectus cum instruction manual as indicated earlier clearly shows that a candidate who secures 35 per cent marks (for UR candidate) and 30 per cent marks (for reserved candidate) or more will be considered to have passed the written examination and they will be asked for their appearance for scrutiny of certificates/documents. If said instructions is read with instruction No.8 as mentioned in the notification dated 12.02.2021(Annexure-2), it becomes quite clear that primary merit list will be prepared by the recruiting agency based on the marks obtained by a candidate in all papers of written examination for short listing purpose and candidates who have qualified the written examination with above said minimum marks or above will be called for interview subject to the ratio 1:3. In instruction No.8 it is clearly and specifically mentioned that such 1:3 ratio shall be determined 'category-wise'. The word 'category-wise' has to be read keeping in mind said clarification or guideline issued by the state in memorandum dated 26.7.2018. But most erroneously, the JRBT has read the word 'category-wise' in the instruction no.8 as category-wise representation of the candidates based on the reservation rule

such as UR, SC or ST. The categorization as made by JRBT as discernable from the counter-affidavit submitted by the Respondent nos. 1-3 is also reproduced herein below:

Vacancy details	Total Post	Category-wise vacant post			Total PwD	Total Ex-Serviceman
Category wise total number of vacancies	2410	UR	ST	SC	96	48
		1253	747	410		
Total number of candidates called for document verification and interview process		Category-wise provisionally qualified candidates			Total PwD	Total Ex-Serviceman
		UR	ST	SC		
Total of Number candidates who came under the purview of the 1:3 ratio including candidate(s) scoring marks equal to that of the last candidate in the written examination called for interview and document verification process	7991	3916	2283	1389	295	108

This chart itself indicates that without taking into consideration the fact that the different nature of posts under the advertisements require different qualifications, nature of works and skill. But the JRBT not only clubbed together all these posts at the initial stage of the process, even maintained the same till the end of the process including the phase of interview, by misconstruing said clarification or guidelines issued by the state. One will fail to understand as to what purpose would be or have been served by taking all 'UR' category of candidates into one group for interview purpose though they were aspirant of different nature of jobs and similarly the 'SC' category and 'ST' category as other two distinct categories.

[20] Here, category-wise vacancy against each post under the advertisement in terms of said instruction no.8 was not taken into account by the recruiting authority while calling the candidates for interview. Such erroneous process adopted by the JRBT by misconstruing the recruitment rules or procedure has led to the possibility of debarring a genuine candidate(s) from appearing before the interview board in respect of a particular post despite qualifying the written examination. An example in this regard will demonstrate the situation with more clarity. Suppose in respect of an advertisement for filling up 10 post of LDC and 10 posts of Pump Operator, total 60 candidates (3 times of total vacancy) of 'ST' category have been called for oral interview according to their merit position and out of said 60 candidates, 55 candidates have actually applied for the post of LDC and only 05 candidates have applied for the post of Pump Operator; by said process as adopted, 05 posts of Pump

Operator will certainly remain still vacant and this way the other candidates who also applied for the post of Pump Operator, despite qualifying the written examination, would be deprived of appearing before the interview board and from getting the job, which will ultimately lead the selection process to be frustrated to a considerable extent. This is what has actually been happened in the instant case. The data as has been placed in the notification of JRBT dated 13.09.2023 (Annexure-A to the supplementary affidavit of the petitioner) projects that out of total 209 numbers of post of Junior Multitasking Operator, only 8 numbers of posts were filled up and total 201 nos. of posts remained still vacant. Similarly against total 236 nos. of posts of Junior Operator (Pump), only 54 numbers of posts could be filled up and rest 182 numbers of posts still remained vacant. For the above said reasons, the procedure as adopted by JRBT in the instant recruitment process for short listing of candidates for oral interview is not at all acceptable.

[21] Some anomaly is also noticed regarding determination of vacancies meant for reserved category of candidates. The following chart as placed in the affidavit in opposition of respondent nos.1-3 and as indicated earlier is again reproduced here under at the cost of repetition, for convenience of examination and discussions:

Vacancy details	Total Post	Category-wise vacant post			Total PwD	Total Ex-Serviceman
Category wise total number of vacancies	2410	UR	ST	SC	96	48
		1253	747	410		

The above chart leaves the impression that out total 2410 nos. of vacant posts of all categories, the recruiting authority determined the UR category posts to be 1253 i.e.(52%), ST category to be 747(31%) and SC category to be 410(17%) by straightway calculating the percentage from the total nos. of vacancy.

[22] In this respect Section 4(1) and Section 2(e) of the Tripura Scheduled Caste and Scheduled Tribe Act, 1991 require reference. Both the above said provisions are extracted below:

“2. Definitions.

In this Act, unless the context otherwise requires ---
.....
.....

(e) “Establishment” means [any office under the State] , a local or statutory authority constituted under the constitution of India or any other law for the time being in force or a Corporation in which not less than fifty one percent of the paid-up share capital is held by the State Government and includes Universities and Colleges affiliated to the Universities, Primary and Secondary Schools and also other educational institutions which are owned or aided by the State Government and also includes an establishment in Public Sector ;”

“4. Reservation for Scheduled Castes and Scheduled Tribes [in services and posts under the State] to be filled up by direct recruitment.

[(1) Reservation for the Scheduled Castes and the Scheduled Tribes in any vacancy or vacancies in services or posts in an establishment which are to be filled up by direct recruitment] shall be regulated in the following manner, namely –

[(a) There shall be seventeen percent reservation for the Scheduled Castes and thirty one percent reservation for the Scheduled Tribes in the manner as set out in the schedule;] [Provided that the State Government may from time to time review the implementation of the reservation policy and take adequate measures including increase of percentage mentioned in sub-section (a) above]

(b) The candidates belonging to the Scheduled Castes and the Scheduled Tribes who qualify for selection on merit shall be included in the general list and not against reserved quota ;

(c) Fees, if any, prescribed for any examination for selection to any service or post shall be reduced to one-fourth in the case of candidates belonging to the Scheduled Castes and the Scheduled Tribes ;

(d) The members of the Scheduled Castes and the Scheduled Tribes shall be entitled to a concession of five years over the prescribed maximum age limit for appointment to any service or post. [and also for admission to educational institutions and undergoing any kind of training]"

[23] On plain reading of sub-section(1) of Section 4 of the said Act, it appears that reservation for the Scheduled Castes and the Scheduled Tribes in any vacancy in services or posts in an establishment (*emphasis laid*) which are to be filled up by direct recruitment shall be regulated in the manner as prescribed in the said provision and also as set out in the schedule of the Act. Further Section 2(e) defines the word 'establishment' to be any office (*emphasis laid*), a local or statutory authority constituted under the Constitution of India or any other law for the time being in force or a Corporation in which not less than fifty one percent of the paid-up share capital is held by the State Government etc.

[24] Further schedule of the said Act also prescribes that the reservation for the schedule castes and scheduled tribes in the service or posts both in case of direct recruitment and promotion in an establishment (*emphasis laid*) shall be given effect in accordance with two rosters namely hundred point roster as shown in the table (a) and replacement roster as shown in Table (b) of the said Schedule. The above said provisions, without any ambiguity, lay down that determination of number of posts under reserved category should be made *office-wise*. Therefore the procedure of first amalgamating all vacant posts of different departments under different categories and then to determine such vacancy position of reservation by way of making calculation of percentage from the total vacancy is also erroneous, in as much as when the recruitment process was initiated, the vacancy position of posts under reserved

quota would like to be different in each offices and also in respect of different posts. Proper procedure, as such, would be to collect information of vacancy position both post wise as well as department wise to be manned by reserved category of candidates and thereafter to finally determine the number of vacancies reserved for schedule caste and schedule tribes candidates.

[25] Ld. Addl. GA, Mr. De tries to highlight the principle that when a person consciously participates in any recruitment process without raising any objection regarding terms and condition of such recruitment, he cannot thereafter challenge the same. But said principle is not also applicable in the present case, for, the petitioner nowhere has challenged the terms and condition of such recruitment rather he himself also insisting for proper adherence to the same by the recruiting authority. His challenge is regarding misconstruction of said terms by JRBT.

[26] In view of above discussions, it is held that the proper procedure was not followed by the JRBT in terms of the instructions as borne in the advertisements as well as prospectus cum instruction manual, and also in terms of the clarification and guidelines issued by the State regarding the Recruitment Policy as noted earlier. Even the provisions of the Tripura Schedule Castes and Schedule Tribes Reservation Act, 1991 do not appear to have been followed properly while determining the number of posts meant for reserved category candidates. Therefore, the selection process is required to be interfered with. However, the position of the candidates who have already been selected, will remain unaffected and undisturbed, as admittedly, they scored higher marks in the written examination occupying higher position in the merit list than the candidates who were not called for interview and there is also no challenge or allegation that such recruitment process was vitiated by biasness or unfairness.

[27] Consequently, the writ petition is allowed. The respondent no. 4 to 7 are directed to take up again the process of filling up of rest vacant posts of LDC, Junior Operator (Pump), Junior Multitasking Operator (Un-common), Agricultural Assistant (TAFS Grade III) where vacancies still remain, and in that process, firstly, the candidates who have already scored the cut off marks i.e. qualifying marks or above in the written examination, shall be called for document verification and during that stage the respondent Nos.4 to 7 will ascertain the posts against which they actually applied for. Thereafter, separate lists will be prepared post-wise at the ratio of 1:3 on the basis of their merit position in the written examination and the persons who comes under the zone of consideration for calling for interview, will only be called for such interview and final list of selected candidates will be prepared and published thereafter. Simultaneously, the respondent No.4 to 7 shall also re-visit the vacancy position meant for reserved category of candidates in respect of above said posts under advertisements, in the light of the discussions made in paragraph nos. 21 to 24 above. It is also clarified that the candidates who despite calling for interview in the earlier phase of the selection process, remained unsuccessful, will also be called for interview again, if their names find place in the list prepared as per said ratio of 1:3.

[28] The respondent Nos.4 to 7 will make endeavour to complete the entire process within next 6 months."

[14] In the light of above said decision in **Kinkar Bhowmik's** case this writ petition is also disposed of with the similar direction as given in said case and no further separate order/direction is required to be passed in the present case.

The respondents No.4-7 are accordingly directed to act in accordance with the directions mentioned in paragraph Nos. 27 and 28 of the judgment of **Kinkar Bhowmik's** case as extracted above.

With the above said terms the writ petition is disposed of accordingly.

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

JUDGE

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