

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.144 of 2025

Arun (27 years), S/o- Sh. Narender Singh R/o-D-101, Yadav Nagar, Samaypur,
North West Delhi, Delhi-110042

.....Petitioner(s);

Versus

1. The State of Tripura to be represented by the Chief Secretary, Department of General Administration (Personal & Training), Government of Tripura, having office at New Secretariat, P.O. New Capital Complex, Agartala, District- West Tripura.
2. The Secretary to the Govt. of Tripura, Department of General Administration (Personal & Training), Government of Tripura, having office at New Secretariat, P.O. New Capital Complex, Agartala, District- West Tripura.
3. The Secretary to the Finance Department, Govt. of Tripura, having office at New Secretariat, P.O - New Capital Complex, Agartala, District- West Tripura.
4. The Directorate of Treasuries under Finance Department, Govt. of Tripura, having office at New Secretariat, P.O. New Capital Complex, Agartala, District- West Tripura.
5. The Commissioner of Taxes and Excise, having its office at Gorkhabasti, 79 Tilla, Agartala, West Tripura, Pin-799010.
6. The Tripura Public Service Commission represented by its Chairman, Govt. of Tripura, having its office at R7 JC+R94, Akhaura Road, Dholeswar, Agartala, West Tripura, Pin- 799001.
7. The Secretary, Tripura Public Service Commission, Govt. of Tripura, having its office at R7 JC+R94, Akhaura Road, Dholeswar, Agartala, West Tripura, Pin- 799001.

.....Respondent(s).

For Petitioner(s) : Mrs. Sujata Deb (Gupta), Advocate,
Ms. Rumpa Dey, Advocate.

For Respondent(s) : Mr. Saktimoy Chakraborti, Advocate General,
Mr. Kohinoor Narayan Bhattacharyya, G.A.,
Mr. Raju Datta, Advocate,
Mrs. Pinki Chakraborty, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA**

Order

20/05/2025

Reference is made to the order dated 08.04.2025 which reads as
under:

“The matter has been posted today on urgent mentioning by learned
counsel for the petitioner as the cut-off date for application under Advt.

No.10/2025 and Advt. No.11/2025 [Annexure-3 & 4] issued by TPSC in which the petitioner is an interested candidate, is to expire on 10.04.2025 and 14.04.2025 respectively.

Petitioner is not a permanent resident of Tripura, but he wants to participate in the recruitment exercise to be undertaken under Advt. Nos. 10/2025 and 11/2025 for the post of Research Officer (Group-C, Non-Gazetted) in the Directorate of Treasuries and Sub-Inspector of Excise (Group-C, Non-Gazetted), both under Finance Department, Government of Tripura. However, petitioner contends that his application won't be accepted since he does not possess the Permanent Resident Certificate of Tripura (PRTC) which is an essential criterion to be fulfilled under the Advertisements. This criterion has been introduced by virtue of the Notification dated 07th July, 2023 (Annexure-1) issued by order of the Governor of the Tripura whereby it is prescribed that "*Permanent Resident Certificate of Tripura (PRTC) would be required while applying for jobs by direct recruitment under the State Government, Corporations, Boards, PSUs etc*". The said provision has been inserted in the existing Recruitment Rules/Service Rules regulating the recruitment of all the posts (Group-A, B, C & D) under administrative control of Government of Tripura. Petitioner has challenged the instant notification as being un-constitutional as it prescribes 100 percent reservation for local residents.

Learned Advocate General, Mr. SM Chakraborty and Mr. Raju Datta, learned counsel for the respondents-TPSC both pray for two weeks' time to obtain instructions. Learned counsel for the respondents-TPSC has produced the Notification dated 1 April, 2025 whereby the cut-off date for submission of online applications have been extended to 19.04.2025 and 22.04.2025 in respect of Advertisement Nos. 10/2025 and 11/2025.

The learned counsel for the petitioner prays that since his online applications under both the advertisements won't be accepted in the absence of PRTC, the respondents-TPSC may be directed to accept his application subject to the outcome of the case.

Learned counsel for the respondents-TPSC submits that this court may not pass any interim order to that effect at this stage. However, he submits that he would advice the respondents-TPSC to suitably extend the cut-off date for making online applications pending hearing on this writ petition.

Accordingly, as prayed for list the case on **22.04.2025.**"

The matter was taken thereafter on 22.04.2025. On that date the respondents-State and TPSC both sought further two weeks' time to file their supplementary counter affidavit. Thereafter, an additional counter affidavit has been filed by respondents No.1 to 5.

2. Learned Advocate General on the basis of the statements made in the additional counter affidavit submits that the impugned notification dated 07.07.2023 provides power to the State Government to relax the provisions with respect to any class or category or persons or posts. It is further stated that the Council of Ministers has, after due consideration, accorded approval to give

relaxation of the provision of PRTC to the applicant for the post of Research Officer under Directorate of Treasuries and Accounts and the post of Sub-Inspector of Excise under the Commissionerate of Excise of Finance Department, Government of Tripura in respect of the two advertisement Nos.10/2025 and 11/2025 respectively. The memorandum of the Council of Ministers dated 16.05.2025 has been communicated to the TPSC vide letter dated 17.05.2025 and another letter of the same date for taking further necessary action from their end.

3. Learned Advocate General submits that the Finance Department, Government of Tripura has informed TPSC for giving relaxation from the requirement of PRTC in favour of the petitioner while applying for jobs by direct recruitment to be conducted by TPSC to the post of Research Officer under Directorate of Treasuries and Accounts and for the post of Sub-Inspector of Excise under the Commissionerate of Excise of Finance Department respectively. The relevant memorandum and letters are enclosed as Annexure-R/2 to R/4. Learned Advocate General further submits that in view of the cabinet decision, petitioner is entitled to apply for the above posts under the advertisement Nos.10/2025 and 11/2025. Hence the cause of action does not survive and the legal issue has become academic. Therefore, the writ petition may be disposed of.

4. Mr. Raju Datta, learned counsel for the respondent-TPSC, also submits on instruction that the decision of the cabinet granting relaxation in favour of the petitioner to apply for the above posts under the two advertisements has been received by the TPSC. TPSC is ready to accept the

applications to be submitted by the petitioner. The cut-off date for submission of applications has been extended up to 23.05.2025. Therefore, no cause of action survives. It is up to the petitioner to make application along with supporting documents in the prescribed format.

5. Learned counsel for the petitioner Mrs. Sujata Deb (Gupta) submits that as of now the grievance of the petitioner appears to have been redressed since he has been allowed relaxation to apply for these posts under the advertisement Nos.10/2025 and 11/2025. However, the legal issue still survives. It may be allowed to be raised in an appropriate proceeding.

6. Upon consideration of rival submission of the parties and the stand taken by the respondents-State in its additional counter affidavit, it appears that the cause of action raised by the petitioner does not survive any more. In view of the relaxation granted by the Council of Ministers, petitioner is entitled to make application under the advertisement Nos.10/2025 and 11/2025 for the posts of Research Officer under Directorate of Treasuries and Accounts and Sub-Inspector of Excise under the Commissionerate of Excise of Finance Department, Government of Tripura respectively. He has at liberty to do so. Since the cause of action does not survive, the legal issue has become academic for the time being. We, therefore, dispose of the writ petition leaving the question of law open.

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

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

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