

HIGH COURT OF TRIPURA
AGARTALA

WA 56 of 2025

The State of Tripura

Subrata Dey

Versus

Petitioner(s)

Respondent(s)

For Appellant(s)	:	Mr. Dipankar Sarma, Addl. GA.
For Respondent(s)	:	Mr. Sujata Das (Gupta), Advocate. Ms. Rumpa Dey, Advocate.
Date of hearing and date of judgment and order	:	24.06.2025.
Whether fit for reporting	:	Yes.

HON’BLE JUSTICE DR. T. AMARNATH GOUD
HON’BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

Dr. T.Amarnath Goud, J

Heard learned counsel for the parties.

[2] This is an appeal under Chapter VIII, Rule B(A) of the High Court of Tripura Rules, 2023 preferred against the judgment and order dated 27.02.2025 passed by the Single Judge in WP(C) 46 of 2024.

[3] The contention of the writ petitioner in the writ petition is that the petitioner has prayed for necessary directions from the this Court to republish the Merit List, dated 13.09.2023, 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)], after including the name of the petitioner therein, as the petitioner's name has been excluded even after securing 102 marks, whereas the last candidate, whose name was recommended for the post of Junior Multi Tasking Operator (Uncommon), secured 86 marks and the last candidate whose name was recommended for the post of Junior Operator (Pump) secured 88 marks.

[4] The respondents by filing the reply has reiterated their stand as espoused in the reply. As per criteria regarding age relaxation contained in Clause (c) of the relevant portion of Advt. dated 12/02/2021 which stipulates that "As regards to the candidates who had participated in the cancelled recruitment process by the Deptt. of Agriculture, they will be given one time age relaxation in the upper age limit subject to providing documentary evidence of their participation in the earlier recruitment processes for the same post(s)", the petitioner has submitted a document issued by the Director of Agriculture, wherein it is mentioned that the petitioner had appeared before the interview board as per notice of the Deptt. vide No.F.2(803)-Agri(Estt)/2015-16/2488-92 dated 01/06/2017 for the post of Junior Fitter under post code-6 held on 05/07/2017 against token No.4, which is not the 'same post' as per the advertisement issued by the JRBT vide No. F.10(28)/DESMP/ESTT/2020/140 dated 12.02.2021 as no such requisition for the post of Junior Fitter was made by the Agriculture Department. More particularly, no Advertisement was made for the post of "Junior Fitter" by the JRBT.

[5] The 209 posts of Jr.Multi Tasking Operator (Uncommon) and 236 posts of Jr. Operator (Pump) were requisitioned by the PWD(DWS) and PWD(WR) under Public Work Department vide letter No.F.8(17)-CE/DWS/UC/2016/1055758 dated 07/01/2021 No.F.1(328)CE/PWD/WR/UC/15/6694-95 and dated 13.01.2021 respectively and recommendation was made on selection by JRBT according to that Department only. Since the petitioner was not found eligible for any post due to over age i.e. the age of the petitioner was 41 Years 08 month 24 days as on the last date of submission of application i.e. on 12/03/2021 as per Advt. dated 12/02/2021 and as such his candidature was cancelled after compilation of the all verified documents and thus, not recommended in the final merit list. Besides, Arpan Sarkar & Debabrata Debnath

of UR category, at Sl. No.1965 & Sl. No.1963 were recommended in the final merit list for the post of Junior Multi Tasking Operator (Un-common) and Junior Operator (Pump) having secured 86 marks & 88 marks respectively considering their National Council for Vocational Training certificate as required vide Advt. dated 12.02.2021.

[6] The petitioner though submitted a document issued by the Director of Agriculture, wherein it is mentioned that the petitioner had appeared before the interview board as per notice of the Deptt. vide No.F.2(803)-Agri(Estt)/2015-16/2488-92 dated 01/06/2017 for the post of Junior Fitter under post code-6 held on 05/07/2017 against token No.4, which is not 'same post(s)' for which advertisement was issued by the JRBT and as such, the petitioner was not considered for age relaxation. Due to non- fulfillment of the age relaxation criteria of the said Advisement, JRBT could not recommend the petitioner, against the posts of Junior Operator (Pump) / Junior Multi Tasking Operator (Un-common) or any other post and as such the name of the petitioner is not included in the final merit list.

[7] After hearing the learned Single Judge, High Court of Tripura allowed the writ petition. Hence, the writ appeal is submitted before the Division Bench.

[8] It is contended by learned Addl. GA for the state that the learned Single Judge should have considered that 11(eleven) posts of Jr. Fitter of Agriculture Department advertised earlier or more number of such post of that Department were not included in the selection made by the JRBT as there was no such requisition made by the Agriculture Department. The 209 Posts of Multi Tasking Operators (Un-common) and 236 posts of Jr. Operator (Pump) were requisitioned by Public Work Department and recommendation was made on

selection by JRBT accordingly to that Department only. So, the same posts of Jr. Fitter of Agriculture Department for which recruitment process was cancelled earlier, were not included in the advertisement by JRBT for selection. As such the petitioner could not be entitled to age relaxation for the posts of Multi Tasking Operators (Un- common) on the basis of advertisement criteria for age, on the ground of cancellation of earlier selection process of the Agriculture Department, in the selection made by the JRBT.

[9] It is further contended that learned Single Judge failed to consider that the petitioner had participated in the recruitment process for the post of Jr. Fitter advertised by the notification dated 03.01.2017 of the Agriculture Department, which was cancelled later on by the Department notice dated 04.09.2018 following the notification dated 20.08.2018 issued by the GA (P&T) Department. In the cancelled advertisement, the Agriculture Department had advertised 11 Nos. of vacancies for the post of Jr. Fitter.

[10] It is further contended that in the advertisement notification the JRBT dated 12.02.2021, the vacancies of 209 Posts of Jr. Multi Tasking Operators (Un-common) and 236 posts of Jr. Operator (Pump) were included along with certain other Posts. There is no documentary evidence nor any Government requisition made to the JRBT for recommending candidates for the post of Jr. Fitter to be appointed in the Agricultural Department. There is also no evidence that the 209 posts of Jr. Multi Tasking Operators (Un-common) and 236 posts of Jr. Operator (Pump) advertised by JRBT included the 11 Nos. of vacancies or more for the post of Jr. Fitter for which the Agricultural Department had advertised in 2017 and later which was cancelled in 2018.

[11] It is further contended that the learned Single Judge failed to consider that there is difference between the eligibility for the Jr. Operator (Pump) posts and Jr. MultiTasking Operator (Un-Common) post as advertised by

the JRBT and the Jr. Fitter posts that was advertised in the cancelled advertisement by the Agriculture Department. As per advertisement vide No. F.2(803)-Agri(Estt.)/2015-16/14561-70 dated 03.01.2017 issued by Department of Agriculture, the essential educational qualification and technical/ professional qualification required for the post of Jr. Fitter and Advertisement Notification vide No.10(28)/DESMP/ESTT/2020/140 dated 12.02.2021 issued by the JRBT essential qualification for the post of Junior Operator (Pump) posts under PWD(WR)and Junior Multi Tasking Operator (Un-common) under PWD(DWS) is furnished below in a tabular form:

Name of Post	
Jr. Fitter under Agriculture Department	Junior Operator (Pump) posts/Junior Multi Tasking Operator (Un- common) under PWD
Educational & essential qualification: other Class-VIII passed with I.T.I. passed in Fitter trade with three years experience or 5 (five)years experience as Fitter in any recognized workshop particularly in repair and maintenance in implements, workshop practices and minor repair of different types of Agri. Implements and machineries. Age: 18 to 40 years. Upper age limit is relaxable by 5 (five) years in case of ST/SC/ and in- service candidates.	Educational & other essential qualification: a) Madhyamik equivalent or examination passed from any recognized Board/Institution. And (b) National Trade Certificate (NTC) issued by Council National 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

[12] Therefore, what it appears that the Junior Operator (Pump)/ Junior Multi Tasking Operator (Un- common)post of Public Work Departmentand "Jr. Fitter"of Agriculture Department are different post andcannot be called as "same post".

[13] On the contrary, learned counsel for the respondent-petitioner has submitted before this court that the impugned judgment of the learned Single Judge is just and proper and needs no interference from this Court. It is further

contended that the petitioner was ineligible due to being overage as per the upper age limit prescribed in Advt. No. 01/2020 dated 12.02.2021. The age relaxation clause applies only to those who had participated in recruitment for the same post(s). However, the petitioner's claim is based on his prior appearance for the post of Junior Fitter, which is not identical to any of the posts now advertised. No requisition was made by the concerned department for that post under the present notification. Hence, the petitioner was rightly excluded from the merit list, and no illegality was committed by the respondents. She further prayed to dismiss the appeal by confirming the impugned judgment of the learned Single Judge.

[14] Having considered the submissions of the learned counsel for both the parties, the pleadings on record, and the relevant clauses of the Advertisement dated 12.02.2021, particularly Clause (c) concerning age relaxation, we are of the considered view that the learned Single Judge committed an error in directing inclusion of the petitioner's name in the republished merit list.

[15] It is not in dispute that the petitioner, on the date of submission of the application i.e. 12.02.2021, had crossed the prescribed upper age limit. The petitioner sought to claim the benefit of age relaxation under Clause (c), which explicitly provides for a one-time age relaxation only for those candidates who had participated in the cancelled recruitment process for the same post(s) under the Department of Agriculture.

[16] The record reveals that the petitioner had earlier appeared for the post of Junior Fitter, whereas the present recruitment was for posts such as Junior Multi Tasking Operator (Uncommon) and Junior Operator (Pump). These posts were requisitioned by the Public Works Department (DWS & WR) and not by the Department of Agriculture. Moreover, the post of Junior Fitter was never requisitioned by the JRBT under the said advertisement. As such, the claim of participation in a previous recruitment process for the "same post" is not tenable.

[17] The term “same post(s)” used in Clause (c) cannot be interpreted loosely or broadly to include other posts with possibly similar nature of work. Recruitment is a statutory process governed by specific criteria. Relaxation clauses must be strictly construed in accordance with the express terms of the advertisement. Extending the benefit of age relaxation beyond the scope of the clause would be contrary to the terms of the recruitment process and would amount to rewriting the eligibility criteria.

[18] Furthermore, the petitioner’s candidature was validly rejected during document verification for non-fulfilment of age eligibility. Candidates securing lower marks were recommended based on meeting all eligibility conditions, including age and possession of required vocational certificates.

[19] In light of the above, we find sufficient merit in the writ appeal. The order passed by the learned Single Judge in W.P.(C) No.46 of 2024 is accordingly set aside. The writ appeal stands allowed, and the direction to republish the merit list including the name of the writ petitioner is quashed. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

B.Palit, J

Dr. T. Amarnath Goud, J

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