

IN THE HIGH COURT OF TRIPURA
AGARTALA

W.P.(C) No.197 of 2025

1. **Tutan Debnath,**
Son of Late Gouranga Debnath,
Resident of Harimara, P.O. SD
Mission, P.S. A D Nagar, West Tripura,
Pin-799003
2. **Amit Deb,**
Son of Sri Ashok Kumar Deb, Resident
of Ramsundar Nagar (Rajnagar),
Agartala, West Tripura, Pin-799001
3. **Tanbir Chowdhury,**
Son of Sri Nanu Chowdhury, Resident
of Ichamura, P.O. Mariamnagar,
Agartala, West Tripura, Pin-799008
4. **Abhijit Roy,**
Son of Late Narayan Chandra Roy,
Resident of Debnath Para,
Maharanipur, P.O. - Chakmaghat,
Teliamura, Khowai, Tripura, Pin-
799205
5. **Alamir Hossain,**
Son of Abdul Munaf, Resident of
Kalshimura, Boxanagar, Sepahijala,
Tripura, Pin-799102
6. **Prasenjit Sarkar,**
Son of Sri Jita lal Sarkar, Resident of
Nehal Chandra Nagar, Bishalgarh,
Tripura, Pin-799100
7. **Sujit Paul,**
Son of Sri Sudhan Paul, Resident of
Tulabagan, Uttar Debendranagar,
Mohanpur, West Tripura, Pin-799211
8. **Rahul Miah,**
Son of Abdul Mannan Mia, Resident of
Belabar, P.O.SD Mission, P.S. Amtali,
West Tripura, Pin-799003

.....Petitioner(s)

- V e r s u s -

1. **The State of Tripura**
(to be represented by) the Secretary,
Home Department, Government of
Tripura, New Secretariat Building,
New Capital Complex, Kunjaban, P.S.
New Capital Complex, Agartala, West
Tripura, Pin-799010
2. **The Secretary,**
Home Department, Government of
Tripura, New Secretariat Building,
New Capital Complex, Kunjaban, P.S.
New Capital Complex, Agartala, West
Tripura, Pin-799010
3. **The Director General of Police, Tripura,**
Office of the Director General of
Police, Tripura, Fire Brigade
Chowmuhani, Agartala, West Tripura,
Pin-799001
4. **The Inspector General of Police, Tripura,**
Office of the Director General of
Police, Tripura, Fire Brigade
Chowmuhani, Agartala, West Tripura,
Pin-799001
5. **The Assistant Inspector General of Police
(Establishment), Tripura,**
Office of the Director General of Police, Tripura, Fire Brigade
Chowmuhani, Agartala, West Tripura, Pin 799001
6. **The Chairman,**
Selection Committee for Recruitment
of Police Constable (Men and Women)
in Tripura Police, notified vide
Recruitment Notice dated 20.10.2022,
Care of Office of the Director General
of Police, Tripura, Fire Brigade
Chowmuhani, Agartala, West Tripura,
Pin-799001.
7. **The Principal,**
KTDS Police Training Academy,
Narsingarh, West Tripura, Pin-799015

..... Respondent(s)

For the Petitioner (s)	:	Mr. P. Roy Barman, Sr. Adv. Mr. Samarjit Bhattacharjee, Adv.				
For the Respondent (s)	:	M. Debbarma , Addl. G.A.				
Date of hearing and delivery of Judgment & order	:	27.08.2025				
Whether fit for reporting	:	<table><tr><td>YES</td><td>NO</td></tr><tr><td>√</td><td></td></tr></table>	YES	NO	√	
YES	NO					
√						

HON’BLE MR. JUSTICE S.DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. S. Bhattacharjee, learned counsel appearing for the petitioners and Mr. M. Debbarma, learned Addl. G.A. appearing for the State-respondents.

[2] One Recruitment Notice was issued by the Assistant Inspector General of Police (Establishment), Tripura on 20.10.2022 [Annexure-3 of the writ petition] for filling up of 1000 vacant posts of Constable (Men & Women) in Tripura Police. The categorisations for the said post regarding reservation as shown in the said notice are as follows:

Rank	Number of Posts			
	SC	ST	UR	Total
Constable of Tripura Police (Men & Women)	89 (including 03 Ex-servicemen and 30 Women)	328 (including 09 Ex-servicemen and 109 Women)	583 (including 14 Ex-servicemen and 193 Women)	1000 (including 26 Ex-servicemen and 332 Women)

Out of the above mentioned posts, recruitment from candidates who are Special Police Officers (SPOs), Home Guards, Civil Defence Personnel, Ex-servicemen, 10323 Discharged ad-hoc teachers and the Candidates participated in the cancelled recruitment process will be considered in accordance with orders and notifications issued by the Government of Tripura from time to time.

(underscored emphasised)

[3] All the petitioners claiming that they were Civil Defence Personnel applied, for the said post and also participated in the recruitment process. The petitioner Nos.1 to 7, as stated by Mr. Roy Barman, learned senior counsel, were also given age relaxation, treating them to be Civil Defence Personnel in terms of the condition as mentioned in Serial No.9(ii) of the said recruitment notice, which reads as under:

9(ii) For Home Guards/Civil Defence: Home Guards/Civil Defence personnel will be considered for selection provided:

(a) They are not more than 26 years age on the date they were enrolled as Home Guards or Civil Defence personnel and not more than 37 years of age on 1st January 2022.

(b) Should have minimum 4 years of experience as Home Guards/Civil Defence personnel.

[4] The said recruitment process consists of 3[three] stages, like physical endurance test, written examination and finally, personal interaction. However, the candidates who possess required physical qualifications as enumerated both in Recruitment Rules and the recruitment notice, were only treated to be eligible to undergo said three tests/examination. The admitted position of the fact is that all the petitioners qualified the physical endurance test as well as written examination and thereafter, they were issued with necessary call letters for appearing in the oral interview for personal interaction. All the said call letters are placed at Annexure-7 of the writ petition. Thereafter, final merit list was published vide notification dated 03.04.2025 [Annexure-8 of the writ petition] wherein the names of the petitioners did not

find place, despite the fact that the State Government in Home Department earlier issued one notification dated 26.10.2013 [Annexure-4 of the writ petition] mentioning that 2% vacancies would be reserved for Civil Defence volunteers against the vacant posts of constable.

[5] Mr. Roy Barman, learned senior counsel submits that the said notification dated 26.10.2013 is still in force but despite the same, 2% reservation was not provided by the recruiting authority while issuing the final merit list depriving the petitioners from getting the job. Learned senior counsel also submits that out of 1000 posts of constable, 2% comes to 20 and only one person from Civil Defence volunteers was selected and rest 8 persons i.e. the present petitioners were not favoured with the offer of appointment. However, learned senior counsel also submits that he is not pressing the writ petition in respect of the petitioner No.8 as he does not possess requisite qualification for the same. Learned senior counsel urges for a direction to the respondents for providing job to the rest of the petitioner Nos.1 to 7 based on the said notification of the Home Department, Government of Tripura dated 26.10.2013 and presently, as per the counter affidavit submitted by the respondents that total 21 numbers of posts for male candidates are still lying vacant against said recruitment process.

[6] Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents contends that the said notification dated 26.10.2013

under Annexure-4 regarding reservation of 2% against total vacancies for the Civil Defence Personnel, does not stand in the eye of law as there was no mention of said notification in the Recruitment Rules of Constables as well as in the Recruitment Notice dated 20.10.2022. Mr. Debbarma, learned Addl. G.A. also submits that in the recruitment process, such 2% posts were never reserved for the candidates from Civil Defence volunteers and therefore, they cannot claim such appointment under said notification. Learned Addl. G.A. further contends that the petitioners did not challenge the recruitment notice in the present writ petition on the ground that there was no mention of said notification dated 26.10.2014 and therefore, they cannot take the benefit of the said notification of 2013. According to learned Addl. G.A., only one candidate from the group of Civil Defence volunteers was selected against UR category on his own merit and was provided the job. Learned Addl. G.A further submits that only age relaxation in terms of the Recruitment Rules can be given to the Civil Defence Volunteers and the same was also duly given to them in the present recruitment process and therefore, the writ petition does not bear any merit.

[7] This Court has given due consideration to the submissions of both sides and the materials placed on record.

[8] The Recruitment Rules of Constable of Tripura Police (Men & Women), 2021 is placed at Annexure-A to the counter affidavit and to decide the controversy involved in this proceeding,

Rule 8 of the said Rules requires reference first. The said Rule 8 reads thus:

"8. Saving

Nothing in these Rules shall effect reservations, relaxation of age limit and other concessions required to be provided for the SCs, STs, Ex-Servicemen and other special categories of persons in accordance with the orders issued by the State Government from time to time in this regard."

[9] Thus, as per Rule 8, in the matter of reservation, relaxation of age limit and other concessions required to be provided for reserved category of candidates, Ex-servicemen and other special categories of persons, the recruiting authority is under obligation to follow the order(s) issued by the State Government from time to time in this regard. Said Rule clearly categorises the matter of reservation and the relaxation of age as two different heads. Following said Rule, further clarification in the matter of age relaxation is enumerated against serial No.6 of the schedule appended in the said Rules in the following manner:

6. Age limit for direct recruitment

(i) Between **18 and 24 years** on the 1st day of January of the year in which selection is held and maximum age limit relaxable upto 5 years for candidates belonging to SCs & STs categories.

(ii) **In case of recruitment from SPOs**

(i) Between **18 and 30 years** as on 1st day of January in which selection is held.

(ii) Candidate must have done active service as Special Police Officer for a minimum of 3 years.

The said Rule does not provide for any age relaxation in case of the candidates under the category of Civil Defence

personnel. However, the recruitment notice [Annexure-3 of the writ petition] separately provides for such age relaxation in case of Home Guards and Civil Defence personnel as extracted in paragraph no.3 above.

[10] It is not clarified by the respondents as to under which notification or order of the State Government such age relaxation was given to the Civil Defence personnel. Anyway, the said matter being not a part of the controversy herein, is not being examined further. So far as the matter of reservation for Civil Defence personnel against the vacant posts of constable, is concerned, the recruitment notice specifically mentions, as extracted earlier, that out of said total 1000 vacant posts, recruitment from candidates who are Special Police Officers (SPOs), Home Guards, Civil Defence personnel, Ex-serviceman, 10323 discharged ad-hoc teachers and candidates participated in the cancelled recruitment process would be considered in accordance with the orders and notifications [*emphasis laid*] issued by the State Government from time to time.

[11] The petitioners have placed one notification dated 26th October, 2013 [Annexure-4 of the writ petition] issued by the Government of Tripura in Home Department, wherein it is categorically mentioned that 40% of the vacant posts of constable shall be filled up from the eligible Home Guards and Special Police Officers (SPOs) and existing reservation or Civil Defence volunteers, (2%) and Ex-serviceman (3%) shall continue. Said

notification was issued in partial modification of earlier notifications bearing No.F.5(14)-PD/87(P-II) and No.F.5(14)-PD/87 dated 19.08.1997. For purposeful reference, said entire notification is also excerpted hereunder:

**F.2(10)-PD/2001
Government of Tripura
Home Department**

Dated, Agartala, the 26 October, 2013

NOTIFICATION

Subject:- Relaxation for recruitment of Special Police Officers (SPOs) to the post of Constable in Tripura Police.

The matter of providing better remuneration to SPOs and wider employment opportunities for their Induction to Police and TSR has been under active consideration of the Government. It is also felt that with general improvement in the law and order, especially in context of insurgent activities, SPOs could be redeployed for duties like Traffic, guarding of installations.

2. Consequently, it has been decided by the Government that 40% of the vacant posts of constables shall be filled up from the eligible Home Guards and Special Police Officers. Existing reservation for Civil Defence volunteers (2%) and Ex-serviceman (3%) shall continue.

3. This is in partial modification to the Notifications No.F.5(14)-PD/87(P-II) and No.F.5(14)- PD/87 both dated 19.08.1997 and is issued in accordance with the decision of the Government vide File No. F. 1(33)-GA (CAB)/2005 dated 03.10.13.

**By order of the Governor
Sd/
Illegible
Deputy Secretary
to the Government of
Tripura**

[12] Mr. Debbarma, learned Addl. G.A., on query made by this Court, could not show anything that the said notification was repealed by the State at any subsequent stage, whereas Mr. Roy Barman, learned senior counsel, with all emphasis, submits that the said notification is still in force and is validly existent. In absence of the contra materials to show that the said notification

is withdrawn by the State, it can safely be held that in the recruitment process of Constable, 2% posts are required to be kept reserved for Civil Defence volunteers, and even the recruitment notice has also categorically noted that the recruitment from the candidates of Civil Defence personnel would be considered in accordance with the order and notification issued by the State Government, but despite the same, benefit of reservation of said 2% posts out of the total posts of 1000 for civil defence personnel have not been provided to the petitioners. It is obligatory for the recruitment authority to give due effect to the said notification dated 26.10.2013 while recruiting the persons against the posts of constable. The respondents, though have taken the stand that in the Recruitment Rules as well as in the Recruitment Notice, there was no mention of said notification dated 26.10.2013 in specific terms, or that said notification was not given effect in the said recruitment process, but such contention cannot be accepted, inasmuch as the Recruitment Rules and the Recruitment Notice, as indicated earlier, both specifically mention that the related orders of the State Government regarding reservation of Ex-serviceman and other special categories of persons will be applicable in such recruitment process. Therefore, the petitioners are entitled to get benefit of said 2% reservation meant for them. In the counter affidavit, it is stated by the respondents that out of total 668 posts of Constable

(Male), only 647 male candidates have been recommended for the job, which means 21 numbers of posts are still lying vacant.

[13] As a corollary, it is held that the benefit of such 2% reservation is required to be provided to the present petitioner Nos.1 to 7 in terms of the said notification dated 26.10.2013 [Annexure-4 of the writ petition]

[14] In view of above, the writ petition is allowed and is disposed of with a direction to the respondents to consider the case of the petitioner Nos.1 to 7 against 2% vacancy reserved for Civil Defence personnel in terms of the notification dated 26.10.2013 and to issue offer of appointment in favour of them within eight (8) weeks of receipt of copy of this order, provided that they have successfully qualified all the required tests/examinations in the recruitment process and they are otherwise not barred from getting the appointment.

With such observations and directions, the writ petition is disposed of.

Interim application(s), if any, stands disposed of.

JUDGE

SUJAY GHOSH Digitally signed by SUJAY GHOSH
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Sujay