

HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.200 of 2025

Dr. Susanta Ghosh, Age 44 years

Son of Gobardhan Ghosh, resident of Town Bordowali, Near Bordowali H.S School, Bhattapukur Road, Agartala, P.O & P.S A.D. Nagar, District West Tripura, PIN 799003.

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

- V e r s u s -

- 1. The State of Tripura,**
To be represented by Secretary, Department of Education (Higher), Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, PIN 799010.
- 2. The Director,**
Department of Higher Education, Government of Tripura, Office Lane, Agartala, West Tripura.
- 3. The Principal,**
Govt. Degree College, Longtharai Valley, Dhalai Tripura.

.....**Respondent(s)**

For the Petitioner(s)	:	Mr. P. Roy Barman, Senior Advocate. Mr. S. Bhattacharjee, Advocate.				
For the Respondent(s)	:	Mr. P. Gautam, Senior G.A.				
Date of hearing & delivery of Judgment & Order	:	21st June, 2025.				
Whether fit for reporting	:	<table border="1" style="display: inline-table; text-align: center;"><tr><td>YES</td><td>NO</td></tr><tr><td></td><td>√</td></tr></table>	YES	NO		√
YES	NO					
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HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT & ORDER (ORAL)

Heard Mr. P. Roy Barman, learned senior counsel for the petitioner and Mr. P. Gautam, learned senior G.A. for the respondents.

Counter affidavit is already submitted.

[2] On perusal of the record and on hearing of the parties it appears that initially vide Memorandum dated 04.11.2010

(Annexure-1) offer of appointment to the post of Assistant Professor in Bengali subject in Govt. (General) Degree College in the revised pay Band of Rs.15,600-39,100/- with AGP Rs.6,000/- per month, was issued to the petitioner and on acceptance of the same he was posted at Michael Madhusudan Dutta College, Sabroom. Thereafter, he also obtained Doctor of Philosophy (Arts) in Bengali from the University of Calcutta as evident from a certificate submitted under Annexure-3. Thereafter, he was also favoured with movement in the higher pay of academic Level 11 from Level 10 of UGC pay scale w.e.f. 01.02.2017 which was later on corrected by giving effect of said movement to Level 11 from 01.02.2015 vide corrigendum issued by the Department on 06.02.2023 (Annexure-5). In course of time, vide notification dated 19.12.2022 (Annexure-4) further movement from academic Level 11 to Level 12 of his pay was also allowed w.e.f. 01.01.2022.

[3] Mr. Roy Barman, learned senior counsel submits that now he is entitled for movement of his pay from academic Level 12 to academic Level 13A in pursuance of the notification dated 27.12.2019 issued by Education (Higher) Department, Government of Tripura (Annexure-6) and the relevant Clause III of said notification as relied on by Mr. Roy Barman, learned senior counsel is extracted hereunder:

"III. Assistant Professor (Selection Grade/Academic Level 12) to Associate Professor (Academic Level 13A) Eligibility:

- a) Assistant Professor who has completed three years of service in Academic Level 12/Selection-Grade.

b) A Ph.D. degree in subject relevant/allied/relevant discipline.

c) Any one of the following during the last three years:

completed one course/programme from amongst the categories of Refresher Courses/Methodology Workshop/Syllabus Up-gradation Workshop/Teaching Learning-Evaluation Technology Programme/Faculty Development Programme of at least two weeks (ten days) duration (or completed two courses of at least one week (five days) duration in lieu of every single course/programme of at least two weeks (ten days) duration); or completed one MOOCs course (with certification); or contribution towards development of e-contents in 4-quadrant (at least one quadrant) minimum of 10 modules of a course/contribution towards development of at least 10 modules of MOOCs course/contribution towards conduct of a MOOCs course during the period of assessment.

CAS Promotion Criteria:

A teacher may be promoted if:

a) He/she gets a 'satisfactory' or 'good' grade in the annual performance assessment reports of at least two of the last three years of the assessment period as prescribed in Appendix II, Table 1 of the UGC Pay Regulation, 2018, and

b) The promotion to the post of Associate Professor is recommended by the selection committee in accordance with the UGC Pay Regulation, 2018."

[4] In view of above said provision, Mr. Roy Barman, learned senior counsel submits that the petitioner has already completed 3 years of service in academic Level 12 and he has also obtained Ph.D. degree and therefore, he is now entitled for movement of his pay from academic Level 12 to academic Level 13A w.e.f. 01.02.2023 i.e. by computing 3 years from the date 01.02.2020. Learned senior counsel submits that though according to the notification dated 19.12.2022 (Annexure-4), the date of giving effect of movement to academic Level 12 to the petitioner was from 01.01.2022 but the necessary correction was made in respect of his movement to academic Level 11 w.e.f. 01.02.2015 in

lieu of 01.02.2017 and therefore, 2(two) years should also be preponed in case of giving effect to his movement from Level 11 to Level 12 and thereby giving effect of said movement from 01.02.2020.

[5] Mr. Roy Barman, learned senior counsel further refers to a representation dated 27.03.2023 (Annexure-8) addressed to the respondent No.3 and another reminder representation dated 27.03.2023 (Annexure-9) addressed to the respondent No.2 praying for such movement to the academic Level 13A and submits that both the representations did not fetch any positive result, rather a letter was sent by respondent No.3 on 02.07.2024 (Annexure-11) to the petitioner which exhibits some strained relationship between the petitioner and respondent No.3 for which the respondent No.3 took the matter personally and declined to forward the matter to the higher authority for providing such benefit to the petitioner. Learned senior counsel in that aspect submits that necessary direction may be issued to the respondents to provide the petitioner necessary benefit of movement of his pay from academic Level 12 to academic Pay Level 13A.

[6] Mr. P. Gautam, learned senior G.A., on the other hand referring to the counter affidavit, more particularly Para No.10 to 13 submits that already the Department has instructed respondent No.3 to review the petitioner's case for CAS promotion to the post of Associate Professor and to take necessary steps in this regard after assessing whether the petitioner meets the required

qualification for such up-gradation or not. Mr. P. Gautam, learned senior G.A. also submits that if the petitioner fulfils all the criteria, the Department has no objection to provide him such benefit. However, one such verification is now required to be done in this regard.

[7] This Court has considered the submission of both sides and has also perused the record.

[8] Even if the contention of learned senior counsel that benefit at academic pay Level 12 to the petitioner is to be provided w.e.f. 01.02.2020 is not examined at this stage in view of absence of any document in this regard, however, from the notification dated 19.12.2022 (Annexure-4) it appears that already the petitioner has completed 3(three) years of his service at Level 12 even from the date 01.01.2022. From the notification dated 27.12.2019 (Annexure-6) against Clause No.II it also appears that an Assistant Professor who has completed 5(five) years of service in academic Level 11 will also be entitled to movement to academic Level 12 if he fulfils other required conditions and in the instant case as per corrigendum dated 06.02.2023 (Annexure-5), the movement to academic Level 11 was provided to the petitioner w.e.f. 01.02.2015. Therefore, same also requires scrutiny by the concerned Department as to whether such movement in academic Level 12 is to be given effect from 01.02.2020 or from 01.01.2022. There is also materials in the record that petitioner has already obtained Ph.D. degree in Bengali. The respondent No.3 in his letter

dated 02.07.2024 (Annexure-11) noted some grievances against the petitioner about levelling of some baseless allegations against him (respondent No.3) by the petitioner and ultimately commented that he would not deal with the CAS application of the petitioner anymore and also would not deal with any other matter related to petitioner or his career, however, such personal relation or feelings should not come across the official functioning of any of them.

[9] Considering all these aspects and also in view of the discussions made above, the writ petition is allowed. The respondents are directed to examine the case of the petitioner and to provide him the benefit of movement of his pay from academic pay Level 12 to academic pay Level 13A as per rules, if he is found so entitled. The respondents shall also examine as to whether movement of the pay of the petitioner in academic Level 12 is required to be given effect from 01.02.2020 or not. The entire exercise should be done within 2(two) months of receipt of copy of this judgment.

With the above said directions, the writ petition is disposed of.

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

JUDGE