

**IN THE HIGH COURT OF TRIPURA
AGARTALA**

**W.P.(C) No.311 of 2024
&
W.P(C) No.312 of 2024**

In W.P.(C) No.311 of 2024

Sri Suman Debnath

S/O- Sri Nagendra Debnath, resident of village-Near Induria S.B. School, Manarchak, P.O and P.S- Jatrapur, Sub-Division- Bishalgarh, District- Sepahijala, Tripura, PIN 799181

.....Petitioner(s)

- V e r s u s -

1. **The Union of India**

represented by the Secretary, Home Department, having his office at Ministry of Home Affairs, North Block, Cabinet Secretariat, Raisina Hills, P.O- GPO, P.S- Kartavya Path, New Delhi, District- Central Delhi, Pin - 110011

2. **The Staff Selection Commission**

represented by its Secretary, having his office at Block No.12, 4th Floor, CGO Complex, Lodhi Road, P.O- Lodhi Road HPO, P.S- Lodhi Colony, District- South Delhi, New Delhi-110003

3. **The Directorate General,**

Central Reserve Police Force, having his office at CGO Complex, Lodhi Road, P.O- Lodhi Road HPO, P.S- Lodhi Colony, District- South Delhi, New Delhi- 110003

..... Respondent(s)

In W.P.(C) No.312 of 2024

Sri Suman Debnath

S/O- Sri Suklal Debnath resident of vill- Barkhala, Jatrapur, P.O and P.S- Jatrapur, Sub-Division- Bishalgarh, District- Sepahijala, Tripura, PIN 799131

.....Petitioner(s)

- V e r s u s -

1. **The Union of India**
represented by the Secretary, Home Department, having his office at Ministry of Home Affairs, North Block, Cabinet Secretariat, Raisina Hills, P.O- GPO, P.S- Kartavya Path, New Delhi, District- Central Delhi, Pin – 110011
2. **The Staff Selection Commission**
represented by its Secretary, having his office at Block No.12, 4th Floor, CGO Complex, Lodhi Road, P.O- Lodhi Road HPO, P.S- Lodhi Colony, District- South Delhi, New Delhi-110003
3. **The Directorate General,**
Central Reserve Police Force, having his office at CGO Complex, Lodhi Road, P.O- Lodhi Road HPO, P.S- Lodhi Colony, District- South Delhi, New Delhi- 110003

..... Respondent(s)

For the Petitioner (s) : Mr. A. Paul, Adv.
For the Respondent (s) : Mr. B. Majumder, Dy. SGI.
Date of hearing and delivery : **20.09.2025**
of Judgment & order
Whether fit for reporting :

YES	NO
	√

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

Heard Mr. A. Paul, learned counsel appearing for the petitioners and Mr. B. Majumder, learned Dy. SGI appearing for the respondent Nos.1 & 3.

[2] The names of the petitioners in both the writ petitions are same and therefore, for better reference, the petitioner in W.P.(C) No.311 of 2024 *will hereinafter be referred to as 'Suman Debnath(1)'* and the petitioner in W.P.(C) No.312 of 2024 *will hereinafter be referred to as 'Suman Debnath(2)'*.

[3] Both the petitioners, pursuant to an advertisement dated 24.01.2015, issued by the Staff Selection Commission, for recruitment to the vacant posts of Constable (GD) in BSF, CRPF, ITBP, SSB, NIA and SSF and Rifleman in Assam Rifles, applied for the said post. The recruitment process was divided into a few stages, such as Physical Standard Test, Physical Efficiency Test, Written Examination and Medical Examination. Both the petitioners admittedly qualified in the written examination and got 41 marks each in the said written examination. Therefore, they were also called for the medical examination. Now, according to the petitioners, they qualified in the medical examination test, but their names were not found in the final merit list of the said recruitment process. Subsequently, one Sagar Debnath who participated in a subsequent recruitment process for the post of Constable (GD) in CAPFS, NIA, SSF and Rifleman (GD) was issued with a letter of appointment on 13.06.2023 in the CISF. With that grievance, both the writ petitions are filed mainly on the ground that in the earlier recruitment process, both the petitioners qualified the examination, but without giving any appointment, somebody else was given an appointment in the subsequent recruitment year.

[4] The respondents in their counter affidavit submitted that both the petitioners appeared in the recruitment process in the year 2015 and the said recruitment process came to an end on publication of the final select list in the official website of Staff

Selection Commission on 02.02.2017. According to them, for the male candidates from Tripura against OBC (Border) category, the last selected candidate appointed in BSF got 59 marks against OBC (Normal) category, the last selected candidate appointed in CISF got 46 marks and in CRPF got 52 marks and as both the petitioners got only 41 marks in the written examination, they were not selected.

[5] Regarding the matter of Sagar Debnath, it is submitted by the respondents that he was an OBC candidate in relation to the recruitment process of the year 2018 and he scored 46.26 marks in the written examination, and by a direction of this High Court passed on 13.12.2022, he was given an appointment.

[6] Mr. Paul, learned counsel appearing for the petitioners, strenuously argues that since both the petitioners qualified the written examination by scoring higher marks than the cut-off marks, they ought to have been given preference when the vacancy arose, compelling the Staff Selection Commission to go for a fresh recruitment process, and without offering the job to the petitioners by exhausting the list of qualified persons of the recruitment process of 2015, initiation of a subsequent recruitment process was not proper. Learned counsel for the petitioners also submits that even if, against OBC category all the vacant posts were filled up, the petitioners could be appointed against UR category. This submission is, however, not projected

in this writ petition and therefore, cannot be taken up for consideration to the surprise of the respondents.

[7] Mr. B. Majumder, learned Dy. SGI appearing for the respondents No.1 & 3, seriously opposes the submission of the petitioners' side on the ground that the writ petition is hopelessly barred by the principle of delay and laches, as the recruitment process of 2015 was closed in the month of February, 2017 and the petitioners have approached this Court only in the year 2024. Mr. Majumder, learned Dy. SGI further submits that when the last selected candidate against OBC category in BSF, CISF and CRPF got higher marks than both the petitioners, the petitioners have no right to claim for their recruitment.

[8] The Court has considered the submissions of both sides and also considered the materials placed on record. As it appears that the SSC declared their final merit list [Annexure-2 of the counter affidavit submitted by the respondent Nos. 1 & 3] on 02.02.2017 and the last selected candidate of OBC category from Tripura in BSF, CISF and CRPF scored 59, 46 and 52 marks respectively in the written examination. As both the petitioners got only 41 marks in the written examination, their names were rightly not found in the merit list. So far as the case of Sagar Debnath is concerned, the petitioners in their writ petitions did not divulge the year of recruitment in which said Sagar Debnath was offered a job. According to the respondents No.1 & 3, he was appointed in connection with the recruitment process of the year

2018 when the recruitment process of the year 2015 was already exhausted. Therefore, the claim of the petitioners that since they scored more marks than the cut-off marks, they ought to have been considered while giving the appointment to said Sagar Debnath, is not acceptable. Moreover, according to the respondents, said Sagar Debnath was offered the job only as per the direction of this High Court and not otherwise. Said offering of a job to Sri Sagar Debnath, therefore, does not create any cause of action or right in favour of the petitioners to be favoured with such a job now. The recruitment process of 2015 was already closed long ago in the early part of the year 2017 and the merit list was also published in the official website of the Staff Selection Commission at that time and the petitioners have presented the writ petitions only in the year 2024. Therefore, the writ petitions are also barred by the principle of delay and laches.

[9] In view of the above discussions, both the writ petitions are dismissed.

No order as to costs.

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

JUDGE

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