

**HIGH COURT OF TRIPURA
AGARTALA**

WA 51 of 2025

1. **National Institute of Technology Agartala**, represented by the Director, Barjala, Jirania, District-West Tripura, PIN-799046.
2. **The Director**, National Institute of Technology, Agartala, Barjala, Jirania, District-West Tripura, PIN-799046.
3. **The Registrar**, National Institute of Technology, Agartala, Barjala, Jirania, District-West Tripura, PIN-799046.
4. **Prof. Richi Prasad Sharma**, Chairman, Interview Board, National Institute of Technology Agartala, Barjala, Jirania, District-West Tripura, PIN-799046.
5. **Col.(Dr.) Ashish Badola**, Registrar, NIT, Agartala and Member, Interview Board, National Institute of Technology Agartala, Barjala, Jirania, District-West Tripura, PIN-799046.
6. **Shri Tanmay Ghosal**, Deputy Registrar, NIT, Agartala and Member, Interview Board, National Institute of Technology, Agartala, Barjala, Jirania, District-West Tripura.

----**Appellant(s)**

Versus

Sri Rajib Goswami,

S/o-Sri Brajalal Goswami,

R/o-Shyamalima Apartment, New Capital Complex Block No.1, Flat No.104, A3/A4, P.O.-Agartala Secretariat, P.S.-NCC, Dist.-West Tripura, PIN-799006

----**Respondent(s)**

For Appellant(s)	:	Mr. Bidyut Majumder, Deputy SGI.
For Respondent(s)	:	Mr. Subrata Sarkar, Sr. Advocate.
		Mr. Kabrabam Dharendra Singha, Advocate.
		Ms Ayesha Saha Hirawat, Advocate.
		Ms. Trishita Debnath, Advocate.
		Mr. Arpan Jamatia, Advocate.
		Ms. Moulika Choudhury, Advocate.
		Ms. Uttara Singha, Advocate.
		Mr. Dhiman Gopa, Advocate
		Ms. Piyali Chakraborty, Advocate.

Date of hearing and date of
judgment and order

: 03.09.2025

Whether fit for reporting

: Yes.

**HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Judgment & Order (Oral)

[1] Heard learned counsel for the parties.

[2] This is an appeal under Chapter VIII, Rule B-(A) of High Court of Tripura Rules against the judgment and order dated 16.12.2024 passed in WP(C) 606 of 2024 by the Learned Single Judge.

[3] This is the case of the appellant that the respondent-petitioner (hereinafter referred to as the Petitioner) filed a writ petition vide W.P(C) 606 of 2024 before the Hon'ble Single Judge of this High Court and the case of the petitioner in brief is that the Appellant No. 3 has issued an advertisement vide No. F.NITA.2(166- Estt)/Cont/Non-Teaching/2023/5091 dated 13.10.2023 for walk-in-interview for the post of Legal Advisor on purely contractual basis with fixed monthly consolidated salary for an initial period of 1(one) year which may extend to 3 years subject to requirement of the institute and satisfactory work performance. Accordingly, pursuant to the said advertisement the petitioner has applied for the said post and appeared before the interview board on 27.02.2024 and board members conducted the interview and told that the result of the interview will be uploaded in the website of the appellant. But till date select list has not been published. But issued a fresh advertisement vide No.F.NITA.2(166-Estt)/cont/2023/1749-66 dated 04.09.2024 inviting application for filling up the post of Legal advisor on contract. And the petitioner has filed the writ petition inter alia with the prayer for completion of ongoing selection process and cancellation of new advertisement dated 04.09.2024. The learned Single Judge after hearing both sides by its judgment dated 16.12.2024 allowed the writ petition and directed to consider the candidature of the petitioner and also directed to pay a cost of Rs. 50,000.00 to the petitioner.

[4] Being aggrieved and dissatisfied with the judgment dated 16.12.2025 passed by the learned Single Judge the appellants herein, has preferred the instant writ appeal.

[5] It is contended by the learned counsel for the appellant that it is settled law that the result of the interview test on merits cannot be successfully challenged by a candidate who takes a chance to get selected at the said interview and who ultimately finds himself unsuccessful, therefore the writ petition itself is not maintainable in law. It is further contended that the advertisement was issued for walk-in- interview and it has been stated in the notification that appointing authority reserves the right to cancel the interview.

[6] Moreover, it is argued that the petitioner had secured 45 marks out of 100 marks in the interview and for the said reason he was found not eligible by the Selection Committee. It is also contended that the learned writ court without any reason directed the respondents to pay a cost of Rs.50,000/- to the petitioner. To support his case, learned Deputy SGI placed his reliance on a judgment of the apex court in ***Jai Singh Dalal and Others vs State of Haryana and another*** reported in ***1993 Supp (2) SCC 600*** where the apex court has observed as follows:

9. It was then argued that the State Government had no power to withdraw or rescind the earlier notifications of December 20, 1990 and January 25, 1991. On behalf of the State Government counsel submitted that the State Government had inherent power to withdraw, rescind or cancel the notifications it had issued on the principle that the authority in whom the power to create is vested has that power to destroy or mould its creation. Reliance was also placed on Section 19 of the Punjab General Clauses Act, 1898, which reads as under:

19. Power to make, to include power to add to, amend, vary, or rescind orders, rules or bye-laws- Where, by any Punjab Act, a power to issue notifications or make orders, rules or bye-laws is conferred, then that power includes a power exercisable in the like manner and subject to like sanction and conditions (if any) to add, to amend, Vary or rescind any notifications, orders, rules or bye-laws so issued or made.

Counsel for the appellants argued that since the notifications were issued under the Rules and not any statute the said provision would not be applicable. It was further submitted that the power, even if exercisable, could be exercised 'in the like manner and subject to like sanction and conditions', which necessitated consultation with the HPSC before the issuance of the notification dated December 30, 1991, by which the earlier two notifications were cancelled or withdrawn. We see no merit in these submissions.

10. Assuming (without deciding) that the withdrawal of the earlier notifications by the subsequent notification dated December 30, 1991 does not, *stricto sensu*, attract the provision of Section 19 extracted above, counsel for the appellants overlooks the fact that since the appellants have no legal right to insist on their selection and appointment to the vacant posts in question, the mode of arresting the process recedes in the background as the State Government could have informed the HPSC not to proceed with the selection process as it desired to revise the norm for appointment. Once it is realised that merely because the State Government had sent a requisition to the HPSC to select candidates for appointment did not create any vested right in the candidates called for interviews, regardless of the fact that the selection process had reached an advanced stage, it does not matter whether the selection process is arrested by cancelling the earlier notifications by another notification or by a mere communication addressed to the HPSC. Even if the HPSC were to complete the process and select candidates, such selection by itself would not confer a right to appointment and the Government may refuse to make the appointment for valid reasons. At best the Government may be required to justify its action on the touchstone of Article 14 of the Constitution. In the present case the pleadings do not show that the subsequent notification dated December 30, 1991 is specifically put in issue in the memo of appeal nor is there material placed on record to so hold. Besides, the proviso to rule 5 requires the method for recruitment to be specified by notification after consultation with the HPSC. The consultation with the HPSC has to be in regard to the positive act of specifying the method for recruitment and

*not in regard to the decision whether or not to resort to special recruitment. The proviso enables the making of special recruitment but the method of such recruitment has to be specified by notification. It is, therefore, obvious that even after the State Government has decided to resort to special recruitment, it may for valid reasons change its mind and one of the reasons could be that it desires to revise the extant eligibility criteria or substitute the same. This can be communicated to the HPSC for arresting the selection process which need not be done by a notification nor does it require consultation with the HPSC. Prior consultation with the HPSC is required before the issuance of a notification specifying the method of recruitment which was done when the notification of March 9, 1992, was issued. Therefore, counsel's submission that if Section 19 applied, the notification of December 30, 1991 would be rendered invalid for want of prior consultation on the thrust of the words 'in the like manner' employed therein, is clearly misconceived. Even if Section 19 does not apply, *stricto sensu*, we see no reason to hold that a State Government which has the power to specify the method of special recruitment by notification has no inherent power to revise the same if it for good reasons considers the same necessary. To so hold would mean that even if the State Government has committed a mistake it has no power to rectify or correct the same. The authority which has power to specify the method of recruitment must be deemed to have the power to revise and substitute the same in the same manner. On the analogy of Section 19 such an inherent power always exists in the authority to alter, vary, change or replace its creation.*

[7] On the other hand, learned counsel appearing for the respondent-petitioner contends National Institute of Technology (for short, NIT), Agartala had issued an advertisement dated 13.10.2023 for filling up the post of Legal Advisor on contract basis where essential qualifications were mentioned in the advertisement and a format which a candidate must fill up was also mentioned in the said advertisement. In terms of the advertisement, the petitioner submitted his application and duly filled up all the columns in the format for the said post. Having satisfied with the essential qualifications as mentioned in the advertisement, the respondent-NIT called him to appear before the Interview Board. The Interview Board was constituted by a number of experts. The petitioner appeared before the Selection Committee on the stipulated date and time. The Selection Committee interviewed him on 27.02.2024. All on a sudden, the petitioner had noticed that the respondent-NIT issued another advertisement for filling up of the same post of Legal Advisor on contract basis vide Advertisement dated 04.09.2024 without publishing the result of the interview. The petitioner submitted a representation on 11.09.2024 to the Director, NIT Agartala stating inter alia that the issuance of a new advertisement for the same post on similar and identical terms without cancelling the earlier one created procedural irregularities. The previous process of selection was not cancelled at all before the publication of new advertisement inviting

applications from willing candidates for filling up the same post of Legal Advisor. It is further stated in his representation that one of the fundamental principles of public administration is transparency.

[8] From a bare perusal of the record, it unmistakably transpires that the recruitment process initiated by Advertisement dated 13.10.2023 for “Walk in interview” and the subsequent recruitment pursuant to Advertisement dated 04.09.2024 also for “Walk in interview” are independent and distinct exercises, each having its own legal sanctity and procedural framework. The two advertisements cannot be said to be part of a continuous or composite process, but rather represent two separate avenues of selection. The materials placed on record clearly indicate that the process initiated on 13.10.2023 stood concluded with the Selection Committee completing its assessment and recording the petitioner as “Not recommended.” Once such a conclusion was arrived at, the said recruitment process attained finality in the eyes of law. On the other hand, the advertisement dated 04.09.2024 was a fresh exercise initiated by the Institute to meet its manpower requirements and bore no nexus, continuity, or interdependence with the earlier selection process. It is further recorded that under the Advertisement dated 13.10.2023, the remuneration attached to the post was fixed at ₹50,000/- per month, whereas under the subsequent Advertisement dated 04.09.2024, the remuneration was ₹75,000/- per month, thereby further demonstrating the distinct nature of the two recruitment exercises by way of walk in interviews.

[9] The record further demonstrates, beyond any shadow of doubt, that the petitioner was evaluated by the duly constituted Selection Committee and secured only 45 marks out of 100. On such assessment, the Committee categorically opined that the petitioner was “Not recommended.” In service jurisprudence, it is a settled principle that unless a candidate is expressly recommended for appointment, no right whether vested, accrued, or enforceable arises in his favour. A person who has merely participated in a recruitment process but has failed to obtain recommendation cannot, under any legal theory, claim a right to be appointed. Accordingly, in absence of any recommendation, the petitioner acquires no vested right to appointment and cannot demand the continuation, publication, or revival of the earlier process as if it were a matter of entitlement.

[10] It is, however, equally important to observe that while the writ petitioner cannot derive any enforceable right from the process dated 13.10.2023, the conduct of the officers of the Institute entrusted with the duty of conducting the interview on 27.02.2024 leaves much to be desired. The record makes it

evident that the said officers failed to discharge their responsibility of publishing the result of the earlier process before embarking upon and issuing a fresh advertisement dated 04.09.2024. This omission, though it may not create any right in favour of the petitioner, is nevertheless a matter of serious concern for the Court. The principles of transparency, fairness, and accountability demand that every recruitment process, once initiated, must culminate with a declaration of its result. Non-publication of the result, pertaining to 13.10.2023 advertisement followed by 04.09.2024 advertisement, creates an impression of arbitrariness and undermines public confidence in the fairness of public employment. Once a selection process concludes, result needs to be declared. Such lapses strike at the root of the credibility of recruitment mechanisms in public institutions and must be viewed with utmost seriousness.

[11] This Court also records its strong disapproval of the manner in which the result of the 13.10.2023 recruitment process was sought to be disclosed only in the counter affidavit filed by NIT stating only writ petitioner was sole candidate appeared and rejected. The action of appellate authorities in not declaring interview results is wholly unacceptable and cannot be treated as compliance with the duty to publish results in a transparent and timely manner. Results of recruitment processes must be published publicly and contemporaneously, and disclosure in a pleading before the Court cannot substitute for such mandatory publication.

[12] Since the petitioner had already been declared “Not recommended,” he had no locus standi to stall, interdict, or challenge the subsequent recruitment process initiated under the 04.09.2024 advertisement. His attempt to derive benefit from the procedural lapse of the officers cannot be legally sustained, for the law does not confer rights on a candidate who has failed in the selection process. The interim protection that was secured by the petitioner was thus erroneously obtained and cannot be continued in the absence of any substantive legal right in his favour.

[13] Although the writ petition itself is liable to be dismissed for want of locus, the failure to publish the result of the earlier recruitment before initiating a fresh advertisement constitutes a serious procedural irregularity. Such conduct is directly attributable to the officers responsible for conducting the walk-in-interview, and it is necessary for this Court to mark its disapproval of such lapses by fixing personal accountability. It is well settled that public officials involved in recruitment carry a higher duty to uphold fairness and transparency. Any breach of such duty erodes public confidence and tarnishes the institutional integrity of the recruiting authority. Hence, this Court deems it appropriate and necessary to

impose personal accountability upon those officers who conducted the interview under Advertisement dated 13.10.2023 and who, despite concluding the process, failed to publish the result without any delay. Their omission, whether by negligence or indifference, cannot be condoned. They shall accordingly be held personally responsible for this lapse.

[14] Accordingly, it is directed that a sum of ₹50,000/- (Rupees Fifty Thousand only) be deposited before the Tripura High Court Bar Association by the said officers, within a period of one month from today towards cost cum penalty. The imposition of this cost is intended not merely as a penalty but also as a measure to remind public functionaries that recruitment to public posts is a matter of public trust and that even seemingly minor lapses can have significant consequences on the perception of fairness and credibility in governance.

[15] In the wake of the foregoing discussion, the appeal is allowed in part in the manner indicated above. The judgment and order passed by the learned Writ court in W.P.(C) No. 606 of 2024 are hereby set aside. It is specifically declared that the recruitment processes under Advertisement dated 13.10.2023 and Advertisement dated 04.09.2024 are separate, distinct, and unconnected in nature. The petitioner, having secured 45 out of 100 marks and having been assessed with the remark “Not recommended,” has no enforceable right either to claim appointment or to seek interference with the subsequent recruitment exercise.

[16] Consequently, the interim protection earlier granted in favour of the petitioner shall stand vacated forthwith. The appellant–NIT shall be at full liberty to proceed with and complete the selection process pursuant to the advertisement dated 04.09.2024 or any other advertisement of similar nature, provided the same is conducted strictly in accordance with law, established procedures, and principles of fairness and transparency.

B.Palit, J

Dr. T. Amarnath Goud, J

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