

IN THE HIGH COURT OF TRIPURA
AGARTALA

W.P.(C) No.526 of 2024

Smt. Sumita Datta

wife of Late Tushar Kanti Muhari,
resident of Rosedale Apartment, Block 5,
Flat No. G(H), PO- Kunjaban, PS- NCC.
District- West Tripura, Pin- 799010, Age-
54 years.

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

- Versus -

1. The State of Tripura

represented by the Education (School)
Department, Government of Tripura,
New Secretariat Complex, Gurkhabasti,
Agartala, PO- Kunjaban, PS- New Capital
Complex, Sub-Division- Sadar, District-
West Tripura

2. The Joint Secretary,

Department of Elementary Education,
Government of Tripura, New Secretariat
Complex, Gurkhabasti, Agartala, PO-
Kunjaban, PS- New Capital Complex,
Sub-Division- Sadar, District- West
Tripura

**3. The Director of Elementary
Education,**

Government of Tripura, Shiksha Bhavan,
Akhaura Road, PO- Agartala, PS- West
Agartala, District-West Tripura, Pin-
799001

**4. The Director, State Council of
Educational Research and Training
(SCERT),**

GB Abhoynagar Road, 79
Tilla, Agartala, District- West
Tripura,
Pin-799005

**5. Tripura Public Service Commission
(TPSC),**

represented by its Secretary, Akhaura
Road, PO- Agartala, PS- West Agartala,

Sub-Division- Sadar, District- West
Tripura, Pin- 799001

6. Sri Samir Debbarma,
Senior Lecturer, Office of the District
Institute of Education and Training
(DIET), Kakraban, PO and PS- Kakraban,
District- Gomati Tripura, Pin-799105

**7. Sri Subha Padma
Chakma**
Senior Lecturer, Office of the District
Institute of Education and Training
(DIET), Kailashahar, Vidyanagar, PO-
Paiturbazar, District- North Tripura, Pin-
799279

..... Respondent(s)

For the Petitioner (s) : Mr. P. Roy Barman, Sr. Adv.
Mr. Koomar Chakraborty, Adv.

For the Respondent (s) : Mr. M. Debbarma, Addl. G.A.
Mr. K. Pandey, Adv.

Date of hearing & delivery of : **20.11.2025**
Judgment & Order

Whether fit for reporting :

YES	NO
	√

HON'BLE MR. JUSTICE S.DATTA PURKAYASTHA
JUDGMENT & ORDER (ORAL)

Heard Mr. P. Roy Barman, learned senior counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Addl. G.A. appearing for the respondent Nos.1 to 4 and Mr. K. Pandey, learned counsel appearing for the respondent No.5.

[2] The petitioner initially joined as Postgraduate Teacher under the Directorate of School Education on 08.01.1997 and thereafter, she appeared in the examination conducted by the Tripura Public Service Commission and was selected for the post

of lecturer [Group-B Gazetted] under the District Institute of Education and Training (for short, '*the DIET*') and joined to the said post on 30.06.2004.

[3] The petitioner's next higher post of promotion is Senior Lecturer [DIET]. As per the Senior Lecturer [DIET] Recruitment (Amendment) Rules, 2004, the method of recruitment is by promotion, failing which by direct recruitment, and in case of promotion from the post of Lecturer [DIET], the candidates must have at least 5 years of experience in the said feeder post. In case of direct recruitment, the candidates must have required academic qualifications. According to the petitioner, she possesses all the required qualifications and the experience for the said post of Senior Lecturer (DIET).

[4] Admittedly, there are total 6[six] sanctioned posts and as per 100 point roster maintained under Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1992, the said posts are required to be filled up in the following manner:

UR	ST	SC
3	2	1

[5] By a rejoinder submitted by the petitioner, it is stated that initially after creation of 6[six] posts of Senior Lecturer on 08.05.1998, one Smt. Swapna Dhar Chowdhury was promoted to the said post on 08.09.2004 against (UR) category in terms of the previous rules. Thereafter, the position remained as follows:

UR	ST	SC
2	2	1

[6] In the year 2007, further promotion was made for filling up of the said posts, wherein 1[one] UR category candidate, namely Dr. Mrinal Chakraborty and 2[two] ST category candidates, namely Rita Debbarma and Jaya Debbarma were promoted. Out of these persons, one ST category candidate, namely Jaya Debbarma was promoted against UR category vacancy and therefore, the vacancy position remained as follows:

UR	ST	SC
0	1	1

[7] In the year 2012, due to retirement of said Swapna Dhar Choudhury, 1[one] UR post again falls vacant and therefore, total vacancy position became as under:

UR	ST	SC
1	1	1

[8] In the year 2017, one Senior Lecturer, namely Dr. Mrinal Chakraborty under [UR] category retired from service. Therefore, the vacancy position was changed as under:

UR	ST	SC
2	1	1

[9] In the year 2018, said Jaya Debbarma who was promoted against UR category also went on retirement and said UR category post again became vacant and therefore, the vacancy position stood as such:

UR	ST	SC
3	1	1

[10] As per the final seniority list, Annexure-3 of the writ petition, the petitioner’s position is at Sl. No.5. The relevant portion of the seniority list is extracted hereunder:

Sl. No.	Name	Whether SC/ST
1	Sri Arun Chanda Das	SC
2	Smt. Manidipa Ganchoudhuri	UR
3	Sri Banamali Debbarma	ST
4	Sri Ashes Datta	UR
5	Smt. Sumita Datta (petitioner)	UR
**	**	**
19	Sri Samir Debbarma (respondent No.6)	ST
**	***	**
23	Sri Subha Padma Chakma (respondent No.7)	**

[11] It is the allegation of the petitioner that vide promotional order dated 25.03.2022, Annexure-6 of the writ petition, 6[six] persons were promoted against 5 [five] vacant posts by creating a supernumerary post for the proforma respondent No.7. It is also the grievance of the petitioner that as per 100 point roster when such promotional exercise was done, there were total 3[three] numbers of UR category posts as indicated above but despite the same, only 2[two] UR candidates were promoted depriving her from such regular promotion. The persons who were promoted by said promotional order dated 25.03.2022 are indicated hereunder:

Sl. No.	Name	Category of the candidate
	Smt. Manidipa Ganchoudhuri, Lecturer	UR
	Sri Banamali Debbarma, Lecturer	ST
	Sri Ashes Datta, Lecturer	UR
	Dr. Subrata Sarkar, Lecturer	SC
	Sri Samir Debbarma, Lecturer	ST
	Sri Subha Padma Chakma, Lecturer	ST

[12] Mr. P. Roy Barman, learned senior counsel appearing for the petitioner strongly addresses his argument that illegally the petitioner has been deprived from the benefit of promotion despite the fact that there were 3[three] vacant UR category posts and the third post ought to have been filled up by way of promoting her. Learned senior counsel also submits that despite the seniority position of Sri Subha Padma Chakma, the proforma respondent No.7, was at serial No.23 and above him, there were many other SC and UR category of candidates, none of them were promoted by creating supernumerary post but without any basis, illegal favour has been shown to the proforma respondent No.7.

[13] On the other hand, Mr. Pandey, learned counsel appearing for the respondent No.5-TPSC submits that as per the promotion policy as framed the State by order dated 22.06.2021, Annexure-5 of the writ petition, promotion can be given only to the reserved category candidates under the supernumerary post and no such benefit can be extended to the UR category candidates. Mr. Pandey, learned counsel particularly relies on the guidelines under serial Nos.6 and 7 of the said policy which are reproduced below:

"6. Now the State Government hereby notifies the following Promotion Policy as follows:

(i) Rule 9 of the Tripura SC & ST Reservation Rules, 1992 and the provisos thereto shall be read in such a manner that only those SC & ST candidates who have qualified solely on the basis of merit and have never taken the benefit of reservation, will be treated to be own merit candidates and entitle to

occupy the posts meant for general category and reservation shall be made cadre-wise.

(ii) 100 point roster shall apply only where the number of posts in the cadre is 4(four) or more.

(iii) Where the post in the cadre are 3(three) or less, the 3(three) point replacement roster shall be followed.

(iv) Single post or small cadres cannot be combined to make the number of posts more than 3(three).

7. Following the above policy, the DPC will identify employees eligible for promotion to a particular post against the available vacancies. After this exercise, DPC shall consider another exercise taking into account the procedure as stated in the Rule 9 (2) of the Tripura SC & ST Reservation Rules, 1992. Due to such exercise, if any candidate is found not considered in the process as stated in the above process, then such candidates shall be considered for ad-hoc promotion by creating supernumerary post(s)."

[14] Mr. M. Debbarma, learned Addl. G.A. appearing for the State-respondents during his submission refers to the proposal, sent by the Joint Secretary, Directorate of Elementary Education, Government of Tripura [Annexure-R/2 to the counter affidavit filed by the respondent No.5] to the TPSC and submits that there were 5[five] vacant posts [UR-2, SC-1, ST-2] of Senior Lecturer when such promotional exercise was done. Thereafter, as per the notification dated 22.06.2021 containing the promotion policy as indicated above, the department prepared a chart following the instruction No.6 of the said policy and also prepared another chart following the instruction No.7 thereof. In the said exercise, it was found that Sri Banamali Debbarma, whose name was found place in the combined promotional list, ought to have been promoted against UR category candidate as per Rule 9 of Tripura SC & ST Reservation Rules but due to the bar created under instruction No.6 of the policy, he was

promoted against ST quota and therefore, he was deprived of from getting promotion against common UR category quota and consequently, Subhapada Chakma, who would otherwise be promoted against ST quota has also been deprived from getting promotion against such ST quota and therefore, the department proposed for creation of supernumerary post for promotion of said Subha Padma Chakma complying the instruction No.7 of the policy. Thus, no error was committed by the DPC for promoting Subha Padma Chakma.

[15] Mr. Debbarma, learned Addl. G.A. also further refers to the chart prepared in Form-2 containing proforma for inspection of 100 point roster by the department submits that out of 3[three] UR posts, one was occupied by 1[one] UR category candidate and therefore, only 2 UR category of posts fell vacant and consequently, 2[two] persons namely Manidipa Gan Chowdhury and Ashesh Datta were promoted against said 2[two] UR vacant posts and there was no scope of promotion of the present petitioner against UR category post. Learned Addl. G.A. further submits that when the department after proper scrutiny found that there were only 2[two] vacant posts of UR category candidate and 2[two] posts of ST category candidate, there is no reason to interfere with the impugned promotional order. He prays for dismissal of the writ petition.

[16] After taking into consideration the submissions of both sides and the materials placed on record, it appears to the Court

that, according to the department's proforma for inspection of the 100 point roster [Annexure-R/3 to the counter affidavit filed by respondent No.5], there were only two vacant posts in the UR category, two posts in the ST category, and one post in the SC category available for filling up the same by way of promotion. However, as per the rejoinder submitted by the petitioner, when the promotional exercise was done, there were 3[three] numbers of UR category vacant posts, one number of ST category vacant post and one SC category of such vacant post, which is contradictory to the version of the respondents. The said rejoinder is submitted being supported with an affidavit and the respondents have not countered it by filing any additional affidavit. Learned Addl. G.A. submits that a scope may be given to the respondents for filing the additional affidavit as a counter to said rejoinder after proper verification of the record. However, this Court is not inclined to give further scope to the respondents at this belated stage of final hearing, for, after such rejoinder was submitted by the petitioner on 15.05.2025, the matter was adjourned to several dates but during the said period, none of the respondent sought for leave to submit any additional affidavit.

[17] In view of the above position, this Court is of the view that the matter is required to be revisited by the respondents No.1 to 5 regarding the actual vacancy position under UR and reserved category when the said promotional exercise was done

and to rectify the defects, if any, found on such verification and to modify the said promotional order dated 25.03.2022 accordingly, if so required. Consequently, the respondent Nos. 1 to 5 are directed to revisit the vacancy position of the post of Senior Lecturer existing as on the date when the promotional exercise was done and to take necessary steps in this regard in light of what has been observed hereinabove. The entire exercise should be completed within 8[eight] weeks from the date of receipt of copy of this order.

With such observations and direction, this writ petition is disposed of.

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

JUDGE

SUJAY GHOSH Digitally signed by SUJAY GHOSH
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