

**HIGH COURT OF TRIPURA
AGARTALA**

WA No. 138 of 2022

1. The State of Tripura,

represented by the Principal Secretary
to the Higher Education Department,
Government of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura,
PIN-799006.

2. The Director,

Directorate of Higher Education Department,
Government of Tripura, Office Lane,
Agartala, West Tripura.

3. The Principal,

RK Mahavidyalaya, Kailashahar,
Unakoti, Tripura.

.....Appellant(s)

Vs.

Dr. Pinaki Pal,

S/O Lt. Nitai Chandra Pal,
Resident of RNT Lane, Jogendranagar,
P.O.Jogendranagar, P.S. East Agartala,
District: West Tripura, PIN:799004

.... Respondent(s)

WA No. 139 of 2022

1. The State of Tripura,

represented by the Commissioner &
Secretary to the Higher Education
Department, Government of Tripura, having
his office at New Secretariat Complex,
Gurkhabasti, Agartala, P.O. Kunjaban, P.S.
New Capital Complex, Sub-Division: Sadar,
District: West Tripura.

2. The Commissioner & Secretary,

Higher Education Department, Government of
Tripura, having his office at New Secretariat
Complex, Gurkhabasti, Agartala, P.O.
Kunjaban, P.S. New Capital Complex, Sub-
Division: Sadar, District: West Tripura.

3. The Under Secretary,

Higher Education Department, Government of
Tripura, having his office at New Secretariat
Complex, Gurkhabasti, Agartala, P.O.

Kunjaban, P.S. New Capital Complex, Sub-Division: Sadar, District: West Tripura.

4. The Director,

Higher Education Department, Government of Tripura, having his office at Shiksha Bhavan, Office Lane, P.O. Agartala, P.S. West Agartala, District: West Tripura.

..... Appellant(s)

Vs.

Dr. Ruma Bhattacharya,

Wife of Dr. Parag Bhattacharya,
Resident of Ramnagar 6-7 Main Road,
Near Kinara Studio, P.O. Ramnagar,
P.S. West Agartala, District: West Tripura,
PIN-799002.

..... Respondent(s)

WA No. 127 of 2023

1. The State of Tripura,

to be represented by Principal Secretary,
Directorate of Higher Education, Government
of Tripura, New Secretariat Complex,
Kunjaban, Agartala, West Tripura, PIN-
799006.

2. The Director,

Directorate of Higher Education,
Government of Tripura, Office Lane,
Agartala, West Tripura.

3. The Principal,

M.B.B. College, Agartala, West Tripura.

.....Appellant(s)

Vs.

Dr. Deepa Ghosh,

W/O Sri Sabyasachi Singh,
R/O Dreamz Exotica Apartment,
Flat No. 2A8, P.O. Kunjaban, P.S. -N.C.C.,
Agartala, District-West Tripura, PIN-799006

.....Respondent(s)

For Appellant(s) : Mr. M Debbarma, Addl. GA.

For Respondent(s) : Mr. P Roy Barman, Sr. Adv.
Mr. K Nath, Adv.
Mr. K Chakraborty, Adv.

BEFORE
HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

20.01.2025

These three writ appeals have been tagged together as there is common ground of challenge relating to movement to higher Academic Grade Pay (AGP) by the appellants-State of Tripura, in terms of the UGC Regulations Notification dated 31st December, 2008, as adopted by the Education (Higher Department), Government of Tripura vide Notification dated 2nd February, 2010.

2. The petitioners approached the writ court in their individual cases both for grant of Non-Compounded Advance Increments on acquisition of higher degree i.e. MPhil/PhD. They also prayed for grant of AGP benefits from due dates as in their individual cases such benefits were granted from deferred dates.

3. The learned Writ Court after dealing with the individual cases of the parties, the UGC Regulation, 2008 and the Notification of the Government of Tripura dated 2nd February, 2010 allowed the benefit of Non-Compounded Advance Increments in favour of the individual petitioners following the judgment dated 26th March, 2019 rendered in the case of **Dr. Goutam Saha and Ors.** in **WP(C) No.72/2019** and other analogous writ petitions.

4. Facts and documents as pleaded in Writ Appeal No.139/2022 as referred to by the learned counsel for the appellants and the respondents are being referred to hereinafter for convenience sake.

5. Be it indicated here that the appellants-State is not aggrieved by the conferment of Non-Compounded Advance Increments to the individual writ petitioners in terms of the ratio rendered in **Dr. Goutam Saha's case** as directed by the learned Single Judge. The grievance of the appellant-State is as regards the preponement of the dates of conferment of AGP to the individual writ petitioners, i.e. the AGP of Rs. 7000/-, 8000/- and 9000/- respectively, from the due dates. It is not in dispute that all these writ petitioners have been granted the benefit of AGP by the State Government before approaching the writ court but they were aggrieved by the payment of the AGP from deferred dates.

6. The whole question relating to the issue of grant of AGP boils down to the implementation of the UGC Regulations dated 31st December, 2008 pursuant to its adoption by the State of Tripura vide Notification dated 2nd February, 2010.

7. Though learned counsel for the State has referred to the UGC Regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities And Colleges and Measures for the Maintenance of Standards in Higher Education, 2010 specifically para 1.3 thereof, but he has fairly accepted that no Notification

adopting the said Regulations, 2000 have been issued by the Government of Tripura. Para 1.3 reads as under:

"1.3 They shall come into force with immediate effect.

Provided that in the event, any candidate becomes eligible for promotion under Career Advancement Scheme in terms of these Regulations on or after 31st December, 2008, the promotion of such a candidate shall be governed by the provisions of these Regulations.

Provided further that notwithstanding anything contained in these Regulations, in the event any candidate became eligible for promotion under Career Advancement Scheme prior to 31st December, 2008, the promotion of such a candidate under Career Advancement Scheme shall be governed by the University Grants Commission (Minimum Qualifications Required for the Appointment and Career Advancement of Teachers in Universities and Institutions affiliated to it) Regulations, 2000 notified vide Notification No.F.3-1/2000(PS) dated 4th April, 2000, as amended from time to time, read with notifications and guidelines issued by the University Grants Commission (UGC) from time to time, in this regard."

8. The Government of Tripura by notification dated 2nd February, 2010 resolved to extend the scheme of revision of Pay structure communicated by the Ministry of Human Resource Development of Education contained in letter dated 31st December, 2008 to teachers who were recruited in the regular scale of pay through prescribed recruitment process in the Universities, Colleges and other Higher Educational Institutions coming under the purview of State legislature with certain conditions. The relevant terms and conditions relating to introduction of Revised Pay Scale under UGC Scheme, 2006 made effective from 1st January, 2006 are extracted hereunder:-

"Terms and Conditions for introduction of the revised pay scales under UGC Scales 2006

1. The revised pay scales will be effective from 1st January, 2006.

2. Revised pay scales, service conditions and Career Advancement Scheme for college teachers.

The pay structure for different categories of teachers in Government Colleges shall be as indicated below:

(a) Assistant Professor/ Associate Professor/ Professor in Colleges.

(i) Persons entering the teaching profession in Colleges shall be designated as Assistant Professors and shall be placed in the pay Band of Rs. 15,600-39,100/- with AGP of Rs.6000/- Lecturers already in service in the pre-revised scale of Rs.8,000-13,500 shall be re-designated as Assistant Professor with the said AGP of Rs. 6,000/-.

(ii) An Assistant Professor with completed service of 4 years, possessing Ph.D in the relevant discipline shall be eligible for moving upto AGP Rs.7,000/-

(iii) Assistant Professors possessing M. Phil degree shall be eligible for the AGP of Rs. 7,000/- after completion of 5 years service as Assistant Professor.

(iv) Assistant Professors who do not have Ph.D or M. Phil shall be eligible for the AGP of Rs.7,000/- only after completion of 6 years' service as Assistant Professor.

(v) The upward movement from AGP of Rs.6,000/- to AGP of Rs.7,000/- for all Assistant Professors shall be subject to their satisfying other conditions as laid down by the UGC.

(vi) The pay of the incumbents to the posts of Lecturer (Senior Scale) (i.e. the unrevised scale of Rs.10,000-15,200/-) shall be re-designated as Assistant Professor, and shall be fixed at the appropriate stage in Pay Band of Rs. 15,600-39,100/- based on their present pay, with AGP of Rs.7,000/-.

(vii) Assistant Professors with completed service of 5 years at the AGP of Rs.7,000/- shall be eligible, to move up to the AGP of Rs. 8,000/-, subject to fulfillment of other requirements laid down by the UGC.

(viii) Posts of Associate Professor shall be in the pay Band of Rs. 37,400-67,000/- with AGP of Rs. 9,000/-. Directly recruited Associate Professors shall be placed in the Pay Band of Rs 37,400-67,000/- with an AGP of Rs. 9,000/-, at the

appropriate stage in the Pay Band in terms of the conditions of appointment

(ix) Incumbent Readers and Lecturers (Selection Grade) who have completed 3 years in the current pay scale of Rs.12,000-18,300/- on 1-1-2006 shall be placed in Pay Band of Rs.37,400-67,000 with AGP pay of Rs.9,000/- and shall be re-designated as Associate Professor.

(x) Incumbent Readers and Lecturers (Selection Grade) who had not completed three years in the pay scale of Rs. 12,000-18,300/- on 1-1-2006 shall be placed at the appropriate stage in the pay Band of Rs. 15,600-39,100/- with AGP of Rs. 8,000/- till they complete 3 years of service in the grade of Lecturer (Selection Grade)/Reader, and thereafter shall be placed in the higher Pay Band of Rs. 37,400-67,000/- and accordingly re-designated as Associate professor.

(xi) Readers/Lecturers (Selection Grade) in service at present shall continue to be designated as Lecturer (Selection Grade) or Readers, as the case may be, until they are placed in the Pay Band of Rs. 37,400-67,000/- and re-designated as Associate Professor in the manner described in (x) above.

(xii) Assistant Professors completing 3 years of teaching in the AGP of Rs.8,000/- shall be eligible, subject to other conditions, that may be prescribed by the UGC, to move to the Pay Band of Rs.37,400-67,000/- with AGP of Rs.9,000/- and to be designated as Associate Professor.

(xiii) Associate Professor completing 3 years of service in the AGP of Rs.9,000/- and possessing a Ph.D degree in the relevant discipline shall be eligible to be appointed and designated as Professor, subject to other conditions of academic performance as laid down by the UGC. No teacher other than those with a Ph.D shall be promoted/appointed or designated as Professor. The Pay Band for the post of Professors shall be Rs.37,400-67,000/- with AGP of Rs.10,000/-.

(xiv) The pay of a directly recruited Professor shall be fixed at a stage not below Rs 43,000/- in the Pay Band of Rs. 37,400-67,000/- with the applicable AGP of Rs. 10,000/-

(xv) For initial direct recruitment at the level of Associate Professors and Professors, the eligibility conditions in respect of academic and research requirements shall be as may be or have been prescribed by the UGC through Regulations."

9. The learned counsel for the state of Tripura, Mr. M Debbarma, has laboured to impress that the conferment of the

AGP from due dates in the individual cases was as per the Career Advancement Scheme which followed the Regulation, 2000 notified by the UGC on 4th April, 2000. However, on being specifically asked the learned counsel for the State has failed to show any such Notification of adoption of Regulation, 2000 by the State of Tripura.

10. In view of the legal position that the recommendations made by the University Grants Commission are not *ipso facto* applicable to any State unless and until adopted by the State Government, the Notification which governs the case of the petitioners and similarly situated persons is the one dated 2nd February, 2010 issued by the Government of Tripura (Education) (Higher Department). The learned Single Judge has, in the individual writ petitions, taking note of the UGC Regulations, as adopted by the State of Tripura held that the petitioners are entitled to move to AGP of Rs.7000/- from Rs.6000/- on completion of four years of service, if the petitioner has acquired PhD within four years of recruitment. Similarly, the petitioner would be entitled to move the AGP of Rs. 8000/- from Rs.7000/- on completion of five years of service in AGP of Rs.7000/- and AGP of Rs.9000/- with designation of Associate Professor from AGP of Rs.8000/- w.e.f. the date of completion of three years of service in AGP of Rs.8000/-. Petitioners shall be entitled to arrears also upon such reschedule in the movement of AGP.

11. Just for the sake of understanding, the comparative dates of conferment of the AGP benefits to the writ petitioner **Dr. Ruma Bhattacharya**, as are undisputed on facts, as are reflected in the para 4, 21 & 22 of the judgment are furnished in the form of a tabular chart:

Dr. Ruma Bhattacharya
WA No.139 of 2022

AGP	Due Date	Wrongly Given on
Rs.6000/- - Rs. 7000/-	w.e.f. 14.01.2008	14.01.2010
Rs. 7000/- - Rs.8000/-	w.e.f. 14.01.2013	14.01.2014
Rs.8000/- - Rs.9000/-	w.e.f. 14.01.2016	14.01.2017

(along with re-designation as Associate Professor)

12. The factum of completion of PhD qualification within the time prescribed by the individual writ petitioners is not in dispute. It is only a question of the date from which the AGP of Rs. 7000/-, Rs.8000/- and Rs.9000/- were to be conferred upon them in terms of the State Government Notification dated 2nd February, 2010, by which the UGC recommendations have been adopted.

13. Viewed thus, we do not find any error in the impugned judgment calling for interference. Accordingly, the Writ Appeals are dismissed.

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

(S. DATTA PURKAYASTHA) J

(APARESH KUMAR SINGH) CJ