

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.720 of 2024

Sri Birchandra Debbarma (58 yrs),
S/o: Lt. Malindra Debbarma, resident of Vill: Padama Mohan Para, PO:
Takarjala, Sepahijala District, PIN:799102.

....Petitioner(s)

Versus

- 1. The State of Tripura**, represented by the Secretary Education(School) Department, Government of Tripura, Agartala, New Secretariat, PIN:799010.
- 2. The Director**, Secondary Education, Shiksha Bhavan, Agartala, PIN:799001, District: West Tripura.
- 3. The Tripura Public Service Commission**, represented by the Secretary, Agartala, PO: Agartala, PIN:799001, District: West Tripura.
- 4. The Special Secretary**, Education (School) Department, Government of Tripura, Agartala, PO: Secretariat, PIN: 799010, District: West Tripura.

....Respondent(s)

For the Petitioner(s)	:	Mr. C.S. Sinha, Advocate
For the Respondent(s)	:	Mr. K. De, Addl. GA
		Mr. Raju Datta, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH

Order

12/02/2025

Heard Mr. C.S. Sinha, learned counsel appearing for the petitioner. Also heard Mr. K. De, learned Addl. GA appearing for the respondents-State and Mr. Raju Datta, learned counsel appearing for the respondents-TPSC.

By means of filing the present writ petition, the petitioner has prayed for promotion to the post of Additional Director under the Education(School) Department, Government of Tripura.

On perusal of the records, I find that the department concerned has initiated the process for consideration of promotion of the petitioner to the post of Additional Director under the Education (School) Department, Government of Tripura and for this purpose, the concerned department has requested the TPSC to constitute DPC, which would be revealed from the communication dated 22.12.2022 issued by the Additional Secretary to the Government of Tripura addressed to the Controller of Examination, TPSC, Agartala. The said communication is reproduced hereunder for convenience, in extenso:

“No.F.2(10-23)-SE-E(G)/2013(L)

Government of Tripura
Education (School) Department

Dated, Agartala, the 22/12/2022

To
The Controller of Exam
Tripura Public Service Commission,
Agartala.

Subject: Promotion to the posts of Additional Director under the Education (School) Department through Group-A DPC on Ad-hoc basis, Clarification thereof.

Reference No. F.6(965)-SM/TPSC/2021-1460 dated 21st November 2022.

Sir,

With reference to the Subject cited above, I am to inform you that the process for the revision/ amendment of the exiting Recruitment Rules (RR) for the post of Additional Director (feeder grade) under the Education (School) Department has been initiated and under process. It is to be mentioned here that, the qualifying period of (1) Shri Birchandra Debbarma, (ST) is 16 (sixteen) years serving as Principal DEIT and that of (2) Shri Chitta Debbarma(ST), is serving as Joint Director, under Education (School) Department, Government of Tripura for 8-years.

It is also pertinent to mention here that, as per existing Recruitment Rules(RR) the Commission concurred the proposal for promotion to the post of Additional Director under the Education (School) Department vide Memo No. 6(439)-SM/TPSC/2013/11362 dated 24th January 2014. (Copy enclosed) through DPC from the same feeder post.

In view of the above, I would therefore request you to kindly fix a convenient date and time from your esteemed end for conducting the said DPC Meeting, in accordance with the existing RR, as there is precedence of giving promotion by the same Recruitment Rules(RR) for the said post.

Enclo: As stated.

Yours faithfully

-Sd

(N.C Sharma)

Addl. Secretary to the
Government of Tripura”

From the counter affidavit of TPSC, it comes to fore that the Commission had sought for some clarifications to the Director, Education (School) Department, Government of Tripura. The Education Department clarified all the queries. In spite of that, the TPSC is asking for further clarifications, which according to me, are not at all justified. When the Education Department, Government of Tripura has communicated the vigilance clearance as regards the consideration of promotion of the petitioner to the post of Additional Director, then, in my opinion, the TPSC

should not ask for further clarifications. From the counter affidavit of the Education Department i.e. the State of Tripura, I find that State has clarified everything and no adverse observation has been made against the petitioner. State has clearly asked TPSC to constitute DPC for consideration of promotion of the petitioner to the post of Additional Director as the petitioner is only eligible for the said post.

Accordingly, I direct the TPSC to constitute DPC for consideration of promotion of the petitioner to the post of Additional Direction preferably within a period of 3(three) weeks from the date of receipt of a copy of this order.

With the aforesaid observations and directions, the instant writ petition stands allowed and disposed.

JUDGE

Snigdha

SAIKAT
KAR

Digitally signed
by SAIKAT KAR
Date: 2025.02.12
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