

HIGH COURT OF TRIPURA
AGARTALA
W.A. 7/2026

Smt. Bharati Sarkar, daughter of Sri Birendra Sarkar, resident of Joynagar, Upendra Vidya Bhavan School Road, PO-Agartala, PS-West Agartala, Sub-Division- Agartala, District-West Tripura, Pin-799001;

----Appellant

Versus

1) Tripura Public Service Commission, having its Office at A.K.Road, P.O. Agartala, P.S. West Agartala, District-West Tripura, Pin-799001, represented by its Secretary;

2) The Secretary, Tripura Public Service Commission, A.K. Road, P.O. Agartala, P.S. West Agartala, District-West Tripura, Pin-799001;

3) The Under Secretary, (HO), Tripura Public Service Commission, A.K. Road, P.O. Agartala, P.S. West Agartala, District-West Tripura, Pin- 799001;

4) The Section Officer (DDO), Tripura Public Service Commission, A.K. Road, P.O. Agartala, P.S. West Agartala, District-West Tripura, Pin-799001.

----Respondents

For the Appellant(s) : Mr. S. Lodh, Advocate

For the Respondent(s) : None

Date of hearing and delivery:

of Judgment & Order : **28.01.2026**

Whether fit for reporting : **Yes/No**

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT & ORDER (ORAL)

(Dr.T.Amarnath Goud, J)

Heard Mr. S. Lodh, learned Counsel appearing for the appellant. None appears to represent the respondents.

2. Raising this writ appeal, the appellant herein, challenged the judgment and order dated 20.12.2025 passed by a Single Judge of this High court in WP(C) 575 of 2025, whereby the learned Single Judge has partly allowed the writ petition only to the extent by setting aside the suspension

order without interfering with the disciplinary proceeding initiated against the writ petitioner.

3. Facts of the case, in a short compass is that, the original writ petitioner while was functioning as Accountant under the respondents was favoured with a show-cause notice dated 21.02.2025 issued by the respondent No.3. The petitioner, on 28.02.2025 submitted her reply. On receipt of the same, the respondent No.2, by an order dated 03.06.2025, placed the petitioner under suspension and further by an order dated 28.08.2025 extended the suspension period for another 90 days. On 25.08.2025, the respondents issued Memo of Charge proposing disciplinary inquiry and framed Articles of Charge against the petitioner. On 02.09.2025, the petitioner submitted her written statement of defence and urged for giving her an opportunity of personal hearing, but the same was not considered rather, by order dated 11.09.2025 disciplinary proceeding was initiated against the petitioner and thereafter notice was issued upon her on 16.09.2025 directing her to appear before the disciplinary authority. Feeling aggrieved, the petitioner has filed a writ petition challenging the legality and validity of show-cause notice; suspension order and the disciplinary proceeding.

After hearing learned counsel for the parties to the *lis*, learned Single Judge partly allowed the writ petition by setting aside the suspension order and its extension without interfering with the disciplinary proceeding initiated against the petitioner. However, learned Single Judge has directed the respondent-authority to dispose of the departmental proceeding within a period of four months with extending scope to the petitioner to substantiate

her defense before the Inquiring Authority. For convenience, operative part of the judgment and order dated 20.12.2025 is reproduced hereunder:

"12. In the result, the writ petition filed by the petitioner is hereby partly allowed. The order dated 26.08.2025 (Annexure-14) and subsequent order dated 28.08.2025 (Annexure-8) issued by the Authority stands set aside/quashed but the show cause notice dated 21.02.2025 (Annexure-3) and order dated 03.06.2025 (Annexure-6), memorandum dated 25.08.2025 (Annexure-10) at this stage stands affirmed, not interfered with.

However, it is made clear that the respondent-authority shall make all endeavor to dispose of the departmental proceeding drawn up against the petitioner within a period of 4(four) months from the date of receipt of the copy of this order. Furthermore, the respondent Authority shall give scope to the petitioner to substantiate her defense before the Inquiring Authority at the time of hearing of the departmental proceeding."

4. The core submission of Mr. Lodh, learned counsel for the appellant, is that though the petitioner, the appellant herein, by her defense statement opted for personal hearing on being asked by the respondents vide memo dated 25.08.2025 but, she was not afforded with the same, neither her statement of defense has been taken into consideration, and thereby initiation of the proceeding against the petitioner without giving her an opportunity of being heard personally is in violation of principle of natural justice. However, submission of learned counsel on other legal points, are not worthy for consideration, at this stage.

5. This court has meticulously gone through the records from where it is evident that the original writ petition has been filed before conclusion of the proceeding. The proceeding is pending before the respondent-authority. Even before the same is concluded, the writ petition was filed. Further, the learned Single Judge vide its Order dated 20.12.2025 expressed its view to conclude the proceeding within a stipulated period giving an opportunity to the petitioner of personal hearing to substantiate her defence before the Inquiring Authority, but in the midst of proceeding, the appeal has been filed. In any manner it cannot be said that the petitioner has been precluded from raising proper contentions by appearing personally before the authority. If any adverse order is passed at the end of the same,

then, that can be challenged in appeal. In the face of such remedies, this writ petition need not be entertained and be dismissed as premature. The petitioner was required to exhaust statutory remedies before filing the writ petition.

6. Thus, in our opinion, the writ petition is deemed premature when it is filed before the exhaustion of available alternative remedies or before a cause of action has fully accrued. Consequently, the writ appeal is dismissed, as this court generally won't entertain such petitions prematurely.

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

S.DATTA PURKAYASTHA,J

DR.T. AMARNATH GOUD,J



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