

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.118 of 2026

Smt. Sumati Bala Das, aged about 62 years,
W/o. Shri Abinash Debnath,
Resident of Village- Mekle Para,
P.O.- Meklepara, P.S.- Jirania,
District- West Tripura.

.....Petitioner(s).

V e r s u s

1. The State of Tripura,
Represented by the Secretary to the Government of Tripura,
Department of Social Welfare & Social Education,
Having its office at New Capital Complex,
P.O.- Kunjaban, Agartala, West Tripura.

2. The Director,
Social Welfare & Social Education,
Having its office at Malancha, Ujan Abhoynagar,
Agartala, West Tripura- 799005.

3. The District Inspector of Social Education,
Government of Tripura,
Having its office at Malancha, Ujan Abhoynagar,
Agartala, West Tripura- 799005.

4. The Child Development Project Officer,
Government of Tripura, Ranir Bazar,
Nagar Panchayat, P.O.- Ranir Bazar,
District- West Tripura.

.....Respondent(s).

For Petitioner (s) : Mr. Tapash Datta Majumdar, Senior Advocate.
Ms. Shipthang Rani Kaipeng, Advocate.
Ms. Budhinika Kaipeng, Advocate.

For Respondent(s) : Mr. Karnajit De, Addl. G.A.

Date of hearing and date of
delivery of Judgment & Order : **23rd February, 2026**

Whether fit for reporting : **NO**

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (Oral)

Heard Mr. Tapash Datta Majumdar, learned senior counsel appearing
for the petitioner.

Mr. Karnajit De, learned Addl. G.A. appears and accepts notice for all the respondents.

The case of the petitioner is that she joined as a School Mother pursuant to an appointment order issued on 14.12.1989 (Annexure-1 to the writ petition). After rendering long satisfactory service as a School Mother, she went on superannuation on 30.06.2024. During her initial service, she was placed on a fixed pay basis from the date of her joining in the said post, and her service was regularized vide memorandum dated 03.11.2007 with effect from 01.10.2007. Now, it is the grievance of the petitioner that her previous service rendered on consolidated fixed pay was not taken into account while computing her post-retiral benefits. Therefore, the present writ petition has been filed with the following reliefs:

“(i) Issue a Rule Nisi Calling upon the respondents to show cause as to why a writ in the nature of Mandamus or any other appropriate writ, order, or direction shall not be issued directing them to count the petitioner’s fixed pay service from 25.07.1990 to 30.09.2007 as qualifying service for pension, gratuity, leave salary, and all other pensionary benefits, with interest at 9% per annum from the date such benefits fell due until realization, thereby rectifying the grave injustice inflicted upon her.

(ii) Issue a Rule Nisi calling upon the respondents to show cause as to why a writ in the nature of Certiorari or any other appropriate writ, order, or direction shall not be issued quashing the impugned decision reflected in the Pension Payment Order (Annexure-2) excluding the said period, and directing the production of all relevant records for the rendition of substantial justice.

(iii) After hearing the parties and perusing the records, make the Rule absolute in terms of prayers (i) and (ii) above.

(iv) Pass such other and further order(s) as Your Lordships may deem fit and proper in the facts and circumstances of the case.”

Mr. Datta Majumdar, learned senior counsel submits that already the matter is settled by the Division Bench of this High Court in the case of **Smti. Mamata Rani Roy (Saha) vs. The State of Tripura & Ors., in WP(C) No.77 of 2015,**

decided on 08.10.2015 (Annexure-6 to the writ petition), wherein a similar issue fell for consideration as to whether the service rendered by the petitioner as a fixed pay employee as School Mother had to be taken into consideration while computing her qualifying period for the purpose of grant of pension and other retiral benefits. Finally, the Division Bench held that the service rendered by the petitioner of the said writ petition from the date of her joining as School Mother on a fixed pay basis should be added to her regular service for the purpose of calculating her pension and other retiral benefits. It is also submitted by the learned senior counsel that, thereafter, some other School Mothers, such as Smriti Rani Acharjee & Ors., also filed similar writ petitions before the High Court, which were allowed. The State challenged the same before the Hon'ble Supreme Court, and the Hon'ble Supreme Court, in the case of State of Tripura & Ors. vs. Smriti Rani Acharjee & Anr., [(Special Leave to Appeal) (C) No(s). 32435-32438/2025], decided the same on 10.11.2025, observing that the judgment rendered in Smti. Mamata Rani Roy (Saha) (supra) had attained finality, and therefore, in such circumstances, Hon'ble Supreme Court declined to entertain the said Special Leave Petition, and accordingly, it was dismissed. Learned senior counsel further refers to a memorandum dated 10.12.2025 (Annexure-10 to the writ petition) to show that said decision was complied with by the State.

Thereafter, the present petitioner submitted two representations on 29.12.2025 and 05.01.2026 (Annexure-11 to the writ petition) to respondent No.2 seeking similar reliefs, however, till date, the said representations have not been disposed of by the respondents. Learned senior counsel also submits that in the said representations, the petitioner referred to the above said facts and also mentioned the decision of this Court in Smti. Mamata Rani Roy (Saha) (supra) and decision of the Hon'ble Supreme Court in Smriti Rani Acharjee (supra).

Mr. De, learned Addl. G.A., submits that he has no objection if the writ petition is disposed of with a direction to the respondents to dispose of both the representations submitted by the petitioner.

Considered the submissions of both sides.

As agreed by both the parties, the writ petition is being disposed of at this stage with a direction to the respondents to dispose of both the representations of the petitioner within 4(four) weeks from the date of receipt of a copy of this judgment, after considering all the points as raised by the petitioner in those two representations in accordance with law. However, liberty is kept open to the petitioner to approach the appropriate forum in accordance with law, if any further grievance persists thereafter.

With the above observations and directions, the writ petition stands disposed of. Pending application(s), if any, shall also stand disposed of.

JUDGE

