

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.17 of 2025

Sri Bikramjit Debbarma, Son of Late Badal Debbarma, resident of Kajari Villa, Dhaleshwar, Road No.1, P.O. Dhaleshwar, P.S. East Agartala, Sub-Division: Agartala, Division- Tripura, PIN-799007

.....Appellant(s);

Versus

1. The State of Tripura, represented by the Secretary, Department of Education, Government of Tripura, New Secretariat Building, New Capital Complex, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division: Agartala, District-West Tripura
2. Tripura Board of Secondary Education, represented by the Secretary, Government of Tripura, P.N. Complex, Gurkhabasti, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division: Agartala, District-West Tripura
3. The President, Tripura Board of Secondary Education, Government of Tripura, P.N. Complex, Gurkhabasti, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division: Agartala, District-West Tripura
4. The Secretary, Tripura Board of Secondary Education, Government of Tripura, P.N. Complex, Gurkhabasti, P.O. Kunjaban, P.S. New Capital Complex, Sub-Division: Agartala, District-West Tripura
5. The Director, Secondary Education, Government of Tripura, Dhaleshwar, P.O. Agartala, P.S. East Agartala, Sub-Division: Agartala, District- West Tripura.

.....Respondent(s)

For Appellant(s) : Mr. Somik Deb, Sr. Advocate,
Ms. Adwitiya Chakraborty, Advocate,
Mr. J. Samad, Advocate.

For Respondent(s) : Mr. Kohinoor Narayan Bhattacharyya, G.A.,
Mr. Ratan Datta, Advocate,
Mr. Ankan Tilak Pal, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Date of hearing : **21.01.2026 & 22.01.2026**

Date of Judgment & Order : **22.01.2026**

Whether fit for reporting : **YES**

JUDGMENT & ORDER (ORAL)

1. In this Writ Appeal, the appellant has questioned the order of the learned Single Judge dt.29.11.2024 in WP(C) No.797/2023.
2. In the said Writ Petition which was filed on 21.12.2023 against the State of Tripura and others including the Tripura Board of Secondary Education (for short 'the Board'), the appellant had sought a direction to the respondents to pay arrears of salary with effect from 13.07.2021 till date with interest, and thereafter to continue to pay the salary of the petitioner/appellant herein, and also to sanction earned leave to the appellant for the period 13.07.2021 to 31.07.2021.
3. The appellant had been appointed as Dy. Secretary of the Board.
4. The case has a chequered history but for deciding this Writ Appeal, it is not necessary to go into the details of the past events.
5. The Secretary to the Board had initially issued a Memorandum/show cause notice dt.20.10.2023 to the appellant alleging that he was un-authorisedly absent from office w.e.f. 13.07.2021 to 31.07.2021, 16.12.2021 to 25.04.2023 and 28.04.2023 to 20.10.2023 and he should file a reply thereto in 10 days.
6. The appellant gave a detailed reply thereto on 30.10.2023 denying the allegations. He alleged that he had joined duty on 02.08.2021, and that had been relieved of all work by the respondent Board vide notices dt.27.07.2021 and dt.05.08.2021 and though he represented against the said actions and claimed salary and allowances those were not paid.
7. Thereafter another show cause notice dt.28.11.2023 was issued to the appellant stating that the reply dt.30.10.2023 given by him to the show

cause notice dt.20.10.2023 was not satisfactory and why disciplinary action should not be taken against him for unauthorized absence for the above period as per the Tripura Board of Secondary Education (Terms and Conditions of Appointment and Discipline of Employees) Rules, 1982.

8. The appellant gave a detailed reply to the said show cause notice on 08.12.2023 denying the said allegations and reiterating the stand taken in the previous reply dt.30.10.2023.

9. Thereafter, an order dt.02.01.2024 was passed by the Board terminating the services of the appellant under the aforesaid rules.

10. This was questioned by the appellant in the Writ Petition in prayer X(a).

11. The learned Single Judge dismissed the Writ Petition and upheld the order dt.02.01.2024 passed by the Board against the appellant.

12. Challenging the same, this Writ Appeal has been filed by the appellant.

13. A reading of the said order dt.02.01.2024 passed by the Board shows that there is no mention therein of the defence of the appellant to the said show cause notices.

The order dt.02.01.2024 states that the replies to the show cause notices had been gone through as also the official records, that they were not 'satisfactory', that there was a threadbare discussion among the members of the Governing Body, and they unanimously expressed the view that the appellant's reply was misleading, and there was suppression of material fact. The following is the extract from the said order:

“Whereas, as per decision of the Governing Body meeting dated 22.11.2023, the entire matter was placed before the Discipline Committee of TBSE on 18.12.2023. After tattered discussions the Discipline Committee came to the following resolutions:

(i) The reply to the above mentioned show cause memo is not satisfactory rather misleading and suppression of the material fact

(ii) After perusal of the entire records, the Discipline Committee found that his long absence in three spells from 13-07-2021 to 31-07-2021, 16-12-2021 to 25-04-2023 and 28-04-2023 to 29-10-2023 has been established as unauthorized and without prior permission of the competent authority. Prima facie, the Discipline Committee is satisfied that he has violated Rule 10(iv)(b) of Tripura Board of Secondary Education (Terms & Conditions of Appointment and Discipline of Employees) Rules 1982. Hence, the Discipline Committee proposes his punishment for termination subject to the approval of the Governing Body.

And

Whereas on the basis of the decisions of the Discipline Committee, all the records including show cause notices and replies submitted by Sri Bikramjit Debbarma, Dy. Secretary were placed before the Governing Body Meeting on 29.12.2023. After going thoroughly entire matter from the beginning to last (29.10.2023) the Governing Body unanimously approved the resolutions of the Discipline Committee and authorized the competent authority i.e. the Secretary TBSE to act as per decisions of the Discipline Committee and Rules of “Tripura Board of Secondary Education (Terms and Conditions of Appointment and Discipline of Employees) Rules 1982”.

And

Whereas, as per Rules 1982 Sri Bikramjit Debbarma, Dy. Secretary was called vide No.F.2(260)/Legal/TBSE/2021/01-02, dated, 01.01.2024 in the Official Chamber of the President, TBSE on 02.02.2024 at 11 am to hear him in person regarding the above issues. Sri Debbarma, Dy. Secretary attended at the chamber of the President, TBSE in due time. He has been appraised about the decisions of the Governing Body and the contents of the Memo vide

No.F.2(260)/Legal/TBSE/2021/1531-32 dated 30.12.2023. He said that he has already submitted his opinion in black & white and now he has nothing to say. Also he requested the President, TBSE to consider the issue on humanitarian ground.

And

Whereas, the Governing Body (Appointing Authority) in its meeting held on 29.12.2023 has already accorded necessary approval to terminate Sri Bikramjit Debbarma, Dy. Secretary from the service of the TBSE owing to above mentioned unauthorized absence from office.

Now, therefore, the undersigned being an authorized authority is hereby terminates Sri Bikramjit Debbarma, Dy. Secretary from the service of the TBSE with immediate effect in terms of Sub-Rule (iv) (b) of Rule 10 of "Tripura Board of Secondary Education (Conditions of Appointment and Discipline of Employees) Rules 1982".

This is issued in pursuance to the resolutions of the Governing Body Meeting held on 29.12.2023."

14. In our opinion, what this order dt.02.01.2024 records, are only conclusions for justifying the termination of his service, but there is no reference to the defence taken by the appellant in the replies dt.30.10.2023 and dt.08.12.2023 to the show cause notices issued to him, or application of mind to the same, nor are reasons assigned why the explanations to the show cause notices given by the appellant, are not satisfactory, or are found to be misleading and amount to suppression of material facts. It is incumbent on the part of the Board to give reasons for the conclusions recorded in the order dt.02.01.2024 which has not been done.

15. The Supreme Court of India in ***S.N. Mukherjee v. Union of India***¹ held, after reviewing the entire case law, as under:

¹ AIR 1990 SC 1984

“34. The decisions of this Court referred to above indicate that with regard to the requirement to record reasons the approach of this Court is more in line with that of the American courts. An important consideration which has weighed with the court for holding that an administrative authority exercising quasi-judicial functions must record the reasons for its decision, is that such a decision is subject to the appellate jurisdiction of this Court under Article 136 of the Constitution as well as the supervisory jurisdiction of the High Courts under Article 227 of the Constitution and that the reasons, if recorded, would enable this Court or the High Courts to effectively exercise the appellate or supervisory power. But this is not the sole consideration. The other considerations which have also weighed with the Court in taking this view are that the requirement of recording reasons would (i) guarantee consideration by the authority; (ii) introduce clarity in the decisions; and (iii) minimise chances of arbitrariness in decision-making. In this regard a distinction has been drawn between ordinary courts of law and tribunals and authorities exercising judicial functions on the ground that a Judge is trained to look at things objectively uninfluenced by considerations of policy or expediency whereas an executive officer generally looks at things from the standpoint of policy and expediency.

35. Reasons, when recorded by an administrative authority in an order passed by it while exercising quasi-judicial functions, would no doubt facilitate the exercise of its jurisdiction by the appellate or supervisory authority. But the other considerations, referred to above, which have also weighed with this Court in holding that an administrative authority must record reasons for its decision, are of no less significance. These considerations show that the recording of reasons by an administrative authority serves a salutary purpose, namely, it excludes chances of arbitrariness and ensures a degree of fairness in the process of decision-making. The said purpose would apply equally to all decisions and its application cannot be confined to decisions which are subject to appeal, revision or judicial review. In our opinion, therefore, the requirement that reasons be recorded should govern the decisions of an administrative authority exercising quasi-judicial functions irrespective of the fact whether the decision is

subject to appeal, revision or judicial review. What is necessary is that the reasons are clear and explicit so as to indicate that the authority has given due consideration to the points in controversy. The need for recording of reasons is greater in a case where the order is passed at the original stage. The appellate or revisional authority, if it affirms such an order, need not give separate reasons if the appellate or revisional authority agrees with the reasons contained in the order under challenge.

38. *The object underlying the rules of natural justice “is to prevent miscarriage of justice” and secure “fair play in action”. As pointed out earlier the requirement about recording of reasons for its decision by an administrative authority exercising quasi-judicial functions achieves this object by excluding chances of arbitrariness and ensuring a degree of fairness in the process of decision-making. Keeping in view the expanding horizon of the principles of natural justice, we are of the opinion, that the requirement to record reason can be regarded as one of the principles of natural justice which govern exercise of power by administrative authorities. The rules of natural justice are not embodied rules.”*

39. *For the reasons aforesaid, it must be concluded that except in cases where the requirement has been dispensed with expressly or by necessary implication, an administrative authority exercising judicial or quasi-judicial functions is required to record the reasons for its decision.”* (emphasis supplied)

16. Thus according to the Supreme Court, the requirement of recording of reasons was held necessary as it would guarantee consideration by the authority, introduce clarity in the decisions and minimize chances of arbitrariness in decision making.

It also held that recording of reasons by an administrative authority excludes chances of arbitrariness, and ensures a degree of fairness in the process of decision making.

17. This legal position is not disputed by the counsel for the Board.

18. In view of the settled legal position, the order dt.02.01.2024 cannot be sustained, as it lacks the reasons for the conclusions recorded therein, and the said order is thus passed in violation of principles of natural justice.

19. The learned Single Judge in the impugned judgment, has not considered this aspect of the matter, and has also not noticed the absence of reasons in the said order, i.e. non-recording of reasons for passing the order of termination.

20. The learned Single Judge has only referred to the number of opportunities given to the appellant by the respondents to reply to the show cause notices, and has failed to note that the explanations to the show cause notices were not considered, and reasons for rejecting the explanations were not recorded in the order dt.02.01.2024.

21. Therefore,

(i) the Writ Appeal is allowed and the judgment dt.29.11.2024 of the learned Single Judge in WP(C) No.797/2023 and the order dt.02.01.2024 of the Board are both set aside;

(ii) The Board is directed to consider the explanations offered by the appellant to the show cause notices issued to him, and record specific reasons for whatever decision it intends to take;

(iii) such decision shall be taken and communicated to the appellant within 4(four) weeks from today;

(iv) The appellant shall be reinstated by the second respondent – Board into service forthwith, and paid wages and allowances from 02.01.2024

till the date of passing of fresh order by the Board pursuant to the directions issued by us in this Order;

(v) the other prayers made by the appellant in the Writ Petition, are left open for consideration, and no opinion is expressed on the said claims, as any decision on the said pleas will depend upon the result of the fresh order to be passed by the said Board pursuant to the direction passed by us now.

No costs.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)



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