

HIGH COURT OF TRIPURA

AGARTALA

WP(C) 204 OF 2025

Smt. Anjana Debbarma,
W/o Dr. Binay Debbarma, R/o Padma Pukur,
Krishna Nagar, P.O. Agartala, P.S. West Agartala,
District: West Tripura, PIN:799001, Aged about 52 years.

....Petitioner.

Versus

1. The State of Tripura,
Represented by its Principal Secretary,
School Education Department, Government of Tripura,
P.O. Secretariat, P.S. New Capital Complex,
District-West Tripura, Pin: 799010.

2. The Director of Secondary Education,
Directorate of Secondary Education, School Education Department,
Government of Tripura, P.O. Agartala, P.S. West Agartala,
District-West Tripura, Pin: 799001.

3. The Director of Elementary Education,
Directorate of Elementary Education,
School Education Department,
Government of Tripura, Agartala, Office Lane,
P.O. Agartala, P.S. West Agartala, District-West Tripura,
Pin-799001.

4. The Principal Secretary,
Finance department, Government of Tripura,
P.O. Secretariat, P.S. New Capital Complex,
District-West Tripura, Pin:799010.

....Respondents.

BEFORE

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

For the Petitioner : Mr. Arijit Bhaumik, Advocate.
Ms. Ispa Chakma, Advocate.

For the Respondent(s) : Mr. Mangal Debbarma, Addl. G.A.

Date of hearing and date of
delivery of Judgment & Order : **07.03.2026**

Whether fit for reporting :

YES	NO
	✓

JUDGMENT & ORDER (ORAL)

Heard learned counsel of both sides.

2. The undisputed facts of this case are that the petitioner was initially offered with a temporary post of Under-graduate Teacher vide Memo. dated 19.06.1997 [**Annexure-1** to the writ petition] and accordingly, she joined at Ranirgaon H.S. School [Primary Section], Sadar. She was granted regular pay scale from 01.04.1999. Meanwhile, the respondents issued another advertisement on 12.07.2006 for filling up the post of Post Graduate Teacher. Prior to that, already the petitioner applied for No Objection Certificate vide her application dated 26.07.1999 [**Annexure-A** to the rejoinder affidavit] for better employment and in response thereto, the Directorate of School Education, West District, Zonal Office, Agartala issued No Objection Certificate for registration of her name in the Employment Exchange for better job [**Annexure-B** to the rejoinder affidavit].

3. Learned counsel, Mr. Arijit Bhaumik submits that during that period the prevailing practice was to issue blanket 'No Objection Certificate' in respect of any future advertisement for better employment and registration ought to have been required for that purpose in the Employment Exchange Office and for that reason, said 'No Objection Certificate' was issued in favour of the petitioner in this manner. Thereafter, in response to said advertisement dated 12.07.2006, the petitioner applied for the post of Post Graduate Teacher through proper channel on 28.07.2006 which was forwarded by her department to the appropriate authority [**Annexure-C** to the rejoinder affidavit]. She thereafter going through the selection process was selected for the post of Post Graduate Teacher and accordingly, the offer of appointment was issued to her vide Memo. dated 17.07.2007 [**Annexure-D** to the rejoinder affidavit] and she was posted at North Kamrangatali H.S. School, Sonamura, West Tripura.

4. It is also not disputed that her previous employer also duly released her to join her new place of posting vide Memo. dated 3rd August, 2007 [**Annexure-E** to the rejoinder affidavit].

5. The petitioner thereafter submitted a representation on 02.12.2008 [**Annexure-F** to the writ petition] to the Director of School Education praying for giving her the benefit of past service as per relevant rules, but no response was received by her in respect of said representation. Then the petitioner sent one Legal Notice on 25.03.2025 [**Annexure-10** to the writ petition] to the Director of Secondary Education and in response thereto, the Office of the Directorate of School Education issued a letter [**Annexure-11** to the writ petition] to the petitioner asking her to apply for past service benefit through proper channel with relevant documents. According to the petitioner, in reply thereto, she again applied through proper channel for the said benefit and her application was forwarded by the Head of Office of Bijoy Kumar Girls' H.S. School to the Director of Secondary Education vide letter dated 10.04.2025 [**Annexure-G** to the rejoinder affidavit].

6. Learned counsel, Mr. A. Bhaumik submits that along with the said application dated 10.04.2025, copy of 'No Objection Certificate' dated 17.03.2003, and technical resignation, issued vide Memo. dated 03.08.2007 were also forwarded to the respondent no.2. Learned counsel, Mr. Bhaumik also submits that after the same was sent, no response has been received from the side of the respondents and therefore, the present writ petition has been filed. Learned counsel, Mr. Bhaumik submits that said release from her previous service itself should be treated as acceptance of her technical resignation.

7. During hearing, Mr. Bhaumik, learned counsel relies on a decision of this Court in case of **Tarendra Reang & Ors. vs. The State of Tripura & Ors., WP(C) 234/2020** decided analogously with some other writ petitions on 06.01.2021 extending benefit of past service to those petitioners who joined in the subsequent service after giving technical resignation and they also applied for the subsequent employment after taking No Objection Certificate from their respective departments.

8. Learned counsel, Mr. Bhaumik also relies on Rule 26(2) of CCS (Pension) Rules, 1972. He also refers the Office Memo. dated 17.08.2016 [**Annexure-9** to the writ petition] issued by the Govt. of India, Ministry of Personnel, Public Grievances and Pension and submits that

when the petitioner has been released by her previous employer, for all practical purposes it is to be treated that based on her resignation and asking for a release order she was so released and the order of release itself is the proof that she submitted her technical resignation in the department. According to learned counsel Mr. Bhaumik, the said Memo. is also adopted by the State of Tripura.

9. Learned counsel, Mr. Bhaumik continues to submit that the Office Memo. dated 17.08.2016 itself clarify that even if the word 'technical' is not mentioned in the resignation letter, still it should be treated as technical resignation of the employee concerned.

10. Learned Addl. G.A., Mr. M. Debbarma referring to the counter affidavit submitted from the side of the respondents contends that after the application of the petitioner seeking counting of past service was received by the respondents through proper channel, it appeared to them that the petitioner neither submitted 'No Objection Certificate' for appearing in the interview for the post of Post Graduate Teacher nor submitted technical resignation for joining to the new assignment and therefore, the Directorate issued a letter to her through her Head of Office to submit the copy of 'No Objection certificate' and copy of technical resignation to the Directorate immediately for further scrutiny, examination and for placing the same to the Finance Department for obtaining approval. But the same are not yet received by them from the petitioner. According to learned Addl. G.A., as the petitioner did not produce any document to show that she took 'No Objection Certificate' for subsequent employment and did not tender technical resignation before joining to the said subsequent employment, no positive step could be taken by the respondents in respect of the claim of the petitioner.

11. This Court considers the submission of both sides. After taking into consideration of all these facts, it appears that when the petitioner has claimed for the past service benefit, the respondent no.2 in turn has asked for two documents from her and there is no proof that such documents were submitted by the petitioner after such instruction was issued by the department, rather it is the claim of the petitioner that at the time of applying for benefit of past service through proper channel,

already those two documents were submitted by her. Before this Court also the petitioner could not place any document to show that she tendered her technical resignation before joining to the subsequent post. However, from the records it appears that she was already granted 'No Objection Certificate' long prior to the said advertisement vide **Annexure-B** to the rejoinder affidavit, and she applied for the subsequent employment through proper channel and the department concerned also released her for joining to the subsequent post.

12. As the matter is still pending before the respondents for finalization of her claim, the Court is not giving any decision on merit of the case. Rather, the respondents are directed to dispose of her claim within four weeks from the date of receipt of a copy of this judgment, with a reasoned order after taking into consideration of all these documents as indicated above, the decision of the High Court in **Tarendra Reang** (supra), the Memo. dated 17.08.2016 [**Annexure-9** to the writ petition] and all other relevant rules and notifications as relied on by the petitioner.

13. Simultaneously, the petitioner is also directed to furnish a fresh copy of said 'No Objection Certificate', copy of release order dated 03.08.2007, said Memo. dated 17.08.2016, issued by the Govt. of India, the decision of this Court in **Tarendra Reang's** case along with a copy of this judgment to the respondent no.2 immediately.

14. With such observations and directions, the writ petition is disposed of. Needless to say, if aggrieved by the decision of respondents, the petitioner will have the liberty to approach the appropriate forum in accordance with law.

Interim application, if any, also stands disposed of accordingly.

JUDGE