



TRHC010007372025

(2026:THC:641)

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) No. 265 of 2025**

Sri Sajal Biswas

S/O- Lt Jnanendra Ch Biswas, Resident of Melaghar, P.O and P.S-
Melaghar, Sepahijala Tripura, Pin – 799115.

----- Petitioner(s)

Versus

- 1. The Union of India & 7 Ors.,**
Represented by the Secretary to the Government of India
Ministry of Personnel, Public Grievances and Pension,
Department of Personnel and Training, Govt. of India, Central
Secretariat, New Delhi-110001.
- 2. The Union Public Service Commission,**
Dholpur House, Shajahan Road, New Delhi-110001,
Represented by the Secretary.
- 3. The Chairman,**
Selection Committee for selection to the Indian Administration
Service Constituted under Regulation 3 of the IAS (appointed by
promotion) Regulations, 1955, represented by its Chairman, Union
Public Service Commission Dholpur House, Shajahan Road, New
Delhi-110069.
- 4. The State of Tripura,**
Represented by the Secretary GA (P & T) Department,
Government of Tripura, New Secretariat Pin-799010, Agartala,
Tripura.
- 5. Sri Dilip Kumar Chakma (IAS),**
District Magistrate and Collector, Unakoti Tripura,
Government of Tripura.
- 6. Sri Nagendra Debbarma,**
Director, TRP and PGT, Government of Tripura.
- 7. Ratan Biswas,**
Director, General Administration (Printing and Stationary),
Government of Tripura.
- 8. Rakhi Biswas,**
Commissioner of Taxes, Government of Tripura.

----- Respondent(s)

For Petitioner(s)	: Mr. Pradyot Maishan, Adv.
For Respondent(s)	: Mr. Bidyut Majumdar, Dy. SGI. Mr. Mangal Debbarma, Addl. GA.
Date of hearing	: 05.05.2026
Date of Delivery of judgment	: 18.05.2026
Whether fit for reporting	: No

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

Heard Mr. Pradyot Maishan, learned counsel appearing on behalf of the petitioner and also heard Learned Dy. SGI Mr. Bidyut Majumdar, appearing on behalf of the respondents No. 1-3 as well as Learned Addl. GA Mr. Mangal Debbarma, appearing on behalf of the respondents No.4-8.

2. The petitioner has filed this present writ petition seeking the following reliefs:-

" I. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction shall not be issued whereby quashing and cancelling the Order No. F.4 (7)-GA (P&T)/2024 dated, 30.05.2024, issued by the Under Secretary, Government of Tripura.

II. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction shall not be issued whereby Quashing and cancelling the Notification, dated, 14/12/2023 & 15/03/2022, issued by the Under Secretary to the Government of India.

III. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction shall not be issued whereby directing the Respondents to give promotion to the Petitioner from the Tripura Civil

Service Cadre (TCS) to Indian Administrative Service (IAS) by restoring the seniority of the petitioner with all other ancillary & consequential service benefit with retrospective effect.

IV. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction shall not be issued whereby directing the Respondents to create a supernumery post & give promotion to the petitioner from Tripura Civil Service Cadre (TCS) to Indian Administrative Service (IAS).

V. Make the rules absolute.

VI. Call for records.

VII. Pass any further order/orders as this Hon'ble High Court considered fit and proper.

And

For this act of kindness, the Petitioners as in duty bound shall ever pray."

3. At the time of hearing Learned Counsel for the petitioner first of all drawn the attention of the Court that by a notification dated 21.10.1997 the petitioner was appointed as TCS, Grade-II under the Government of Tripura, holding the feeder post against the promotion quota on probation for a period of two years. The respondents Nos. 5 & 6 were also appointed by the said notification and their names were reflected in the said notification in serial No.27 & 37 whereas the name of the petitioner was shown to be in serial No.36 (Annexure-1).

4. Learned Counsel further submitted that vide memorandum dated 25.01.2011 the GA (P&T) Department, Government of Tripura also published the seniority list wherein the name of the petitioner was shown to be in serial No.11 and the name of the private respondents No.8 & 10 were shown to be in serial No. 26 & 30 (Annexure-2).

5. Thereafter, the petitioner along with others filed one writ petition before the Hon'ble Gauhati High Court, Agartala Bench alleging *inter alia* that in spite of discharging functions properly the respondents did not confirm their service after expiry of two years rather by notification dated 21.07.2008 further extended the period of probation of the petitioner for uncertain period. By the aforesaid writ petition, the petitioner challenged the said notification dated 21.07.2008 holding that the same was arbitrary unconstitutional and violative of Tripura Civil Services (Training and Departmental Examination) Rules, 1967.

6. It was the further plea of the petitioner that since the petitioner along with others were given promotion as per the provisions of Rule 5(1)b of Rules, 1967 observing the procedure laid down in Rules 14 & 15 of the said Rules, as such they were exempted from prescribed examination during the probation period in view of Rule 22 of the said Rules of 1967 and before the High Court they prayed for their confirmation in view of Rule 23.

7. Learned Counsel further submitted that the respondents vide an office order dated 16.03.2025 exempted 17 officers from appearing in the departmental examination and also by another office order dated 07.07.2008 exempted 31 officers from appearing in the departmental examination in exercise of the power conferred under Rule 35 of the TCS Rules, 1967. So by the said writ petition the petitioner sought redress before this Court

for release of their increment which was kept withheld for not passing the departmental examination. This High Court vide judgment and order dated 19.07.2012 set aside and quashed the notification dated 21.07.2008 and directed the respondents to confirm the petitioner in TCS, Grade-II, under Rule 23 of the TCS Rules, 1967. But the other prayers were rejected.

8. Thereafter, the petitioner preferred writ appeal before the Division Bench which was numbered as Writ Appeal No.60/2012 and during the pendency of the writ appeal the GA (P&T) Department by a notification dated 03.04.2013 confirmed the petitioner in TCS, Grade-II on satisfactory completion of the probationary period w.e.f. 03.11.1999 (Annexure-4).

9. This High Court partly allowed the appeal to a limited extent and directed the State to consider promotion for any of the promotional post which were filled up in between 11.07.1999 to 14.02.2001 but rejected the other prayers of the petitioners.

10. The operative portion of the judgment dated 02.09.2013 in Writ Appeal No.60/2012 runs as follows:-

" 9. The last contention of Mr. Bhowmik, learned senior counsel is that Rule 35 of the Rules of 1975 empowers the State Government to relax the Rules. He also submits that in earlier petitions, especially W.P.(C) No.35/2000 and other matters, the similarly situated employees of Tripura Civil Service Grade-II were directed to be confirmed from the date they completed two years after the appointment. He also submits that thereafter they were all promoted. The aforesaid writ petitions

related to appointments much before the year 2001 and in those cases the issue of the effect of the amendment of the Rules 2001 in the Departmental Examination Rules was not at all considered. Therefore, those judgments cannot be held to be an authority of this point. In any event, relaxation cannot be claimed as a matter of right. Relaxation has to be granted by the competent authority, keeping in view the situation as it exists at a particular time. Situations may change and it is for the competent authority to grant or not to grant relaxation. Therefore, we are of the considered view that the Court cannot direct that relaxation be granted, all it can direct is, that the case for relaxation be considered. But here in view of the clear cut provisions of the Rules 1975, no such direction can be issued.

10. In view of above discussion, the appeal is only allowed to the limited extent that the appellant-petitioners shall be considered for promotion for any of the promotional posts which were filled up between 11.07.1999 to 14.02.2001. All other prayers are rejected."

11. Challenging the judgment of the Division Bench the petitioner thereafter, preferred one SLP before the Hon'ble Supreme Court bearing No.3287/2014. The Hon'ble Supreme Court by order dated 08.07.2015 (Annexure-6) directed the government to consider the case of the petitioner under Rule 35, 1967 Rules and after that the government by another notification dated 17.04.2017 exempted the petitioner from passing the departmental examination (Annexure-7).

12. Thereafter, vide notification dated 03.07.2021 the petitioner was promoted to the post of TCS Grade-I (Selection Grade) on ad hoc basis as a onetime measure subject to final outcome of SLP(C) No.-19765/2015 (Annexure-8). The petitioner joined his promotional post on ad hoc basis and after that he made one representation to the department seeking his promotion to the higher post.

13. Learned Counsel further submitted that vide notification dated 14.12.2023 issued by under Secretary, Government of India Sri Ratan Biswas and Smt. Rakhi Biswas were appointed to Indian Administrative Service and by the said notification dated 14.12.2023 the Government of India also appointed Dilip Kumar Chakma and promoted him to the Indian Administrative Service from Tripura Civil Service and by another notification dated 15.03.2022 Nagendra Debbarma was promoted from TCS to IAS.

14. According to the petitioner, said Ratan Biswas and Rakhi Biswas were junior to the petitioner and both of them joined in the Tripura State Civil Service on 01.09.1998 and respondent Dilip Kumar Chakma and Nagendra Debbarma were also promoted depriving the present petitioner violating Article 14 of the Constitution of India.

15. The petitioner thereafter approached to the Central Administrative Tribunal Gauhati and the Central Administrative Tribunal directed the State to consider the representation dated 19.07.2021 of the petitioner (Annexue-12). The petitioner communicated the decision of the Central Administrative Tribunal to the Secretary GA(P&T) Department and after that the Under Secretary of Government of Tripura by an office order dated 30.05.2024 informed the petitioner that the petitioner was given ad hoc promotion as one time measure subject to outcome of the SLP pending in the Hon'ble Supreme Court of India.

16. After that the petitioner further approached the Central Administrative Tribunal, Gauhati by challenging the order dated 30.05.2024 but the Central Administrative Tribunal by office order 30.07.2024 dismissed the Interlocutory Application on the ground of jurisdiction (Annexure-15). So, under compelling circumstances the petitioner has filed the writ petition seeking the reliefs as stated above.

17. The state-respondents have contested the writ petition by filing counter affidavit. In the counter affidavit the state-respondents partly admitted the facts of the case of the petitioner but in respect his denial for promotion to the post of IAS the state-respondents in para No.10 & 12 have made the following Assertions:-

"10. That, the contents of paragraphs-12 & 13 of the writ petition, I humbly submit that the contention of the Petitioner is completely denied.

It is fact that by the Notification dated 14-12-2023 of the Department of Personnel & Training, Govt. of India Shri Ratan Biswas and Smt. Rakhi Biswas [Respondents No.7 & 8 respectively] have been appointed to IAS on the basis of Select List of 2018. It is also fact that by the said Notification dated 14-12-2023, Shri Dilip Kumar Chakma [Respondent No.5] has been appointed to IAS on the basis of Select List of 2018. For promotion / induction to IAS for the Select List of 2018, the Selection Committee Meeting held on the basis of finally published seniority list of Tripura Civil Service Officers Gr-1 (Selection Grade) as on 01-01-2015. In the said finally published seniority list, Shri Sajal Biswas [Petitioner] is not figured. As such, all the aforesaid Respondents [No.5, 7 & 8] are senior to the Petitioner. Moreover, by the Notification dated 15-03-2022 of the Govt. of India, Department of Personnel & Training, New Delhi, Shri Nagendra Debbarma [Respondent No. 6] has been appointed on the basis of Select List of 2017. For promotion / induction to IAS for the Select List of 2017, the Selection Committee Meeting held on the basis of finally published seniority list of Tripura Civil Service Officers Senior Selection Grade and Tripura Civil Service Officers Gr-1 (Selection Grade) as on 01-01-

2015. In the said finally published seniority lists, the name of Shri Sajal Biswas [Petitioner] is also not figured. The Petitioner has only been promoted to TCS Gr-1 (Selection Grade) on 03-07-2021 on ad-hoc basis because the petitioner did not pass the Departmental Examination in full as required under TCS Rules, 1967 for granting higher grade/promotion to the post of TCS Gr-I(Selection Grade). But, the above private respondents cleared their Departmental Examination in full and they got promotion to the higher post earlier to the petitioner. Further it is stated that both the Respondents No.5 & 6 are senior to the Petitioner.

It is further stated that the Petitioner was not TCS Gr-I (Selection Grade) as on 01-01-2015 and he has only been promoted to TCS Gr-I (Selection Grade) on 03-07-2021, on ad-hoc basis. As such, contention of the Petitioner is completely denied.

12. That, the contents of paragraph-17 of the writ petition, I humbly submit that the contention of the petition is strongly denied.

It is pertinent to mention that as per Proviso under Rule 30 of the TCS Rules, 1967- no person subject to provision of Rule, 20 of the TCS (Training & Departmental Examination) Rule, 1975 shall be considered for appointment to the next higher scale/ Selection Grade unless he passes the Departmental Examination in full.

In the instant case, the petitioner did not pass the Departmental Examination in full as required under the Rule ibid for promotion to the higher Grade i.e. TCS Gr-1 (Selection Grade). However, subsequently, as per direction of the Hon'ble Supreme Court of India on 08-07-2015 one time relaxation towards passing the Departmental Examination was granted in respect of the Petitioner and others. But, prior to allowing relaxation from passing the Departmental Examination in respect of petitioner, the Private respondents 5 to 8 cleared their Departmental Examination and got promotion to the next higher Grade i.e. TCS Gr-I (Selection Grade). But, at that material period due to pendency of SLP before the Hon'ble Supreme Court of India in connection with the Reservation Policy of State Govt. all kinds of promotion of the State Govt. employees remained withheld. In this regard a Memo was also issued on 1 April, 2017. Therefore, it is crystal clear that there is no question of deprivation as well violation of the any Article of Constitution of India."

18. At the time hearing Learned Addl. GA drawn the attention of the Court that Ratan Biswas and Rakhi Biswas have been appointed to IAS on the basis of selection list 2018. Sri Dilip Kumar Chakma was also appointed on the basis of the selection list 2018. It was further submitted that for promotion/induction to

IAS for the select list of 2018, the selection committee meeting was held on the basis of finally published seniority list of TCS officers Grade-I selection grade as on 01.01.2015 and in the said finally published seniority list the name of the petitioner was not there and as such, all the private respondents were senior to the petitioner and Nagendra Debbarma also appointed on the basis of selection list of 2017.

19. Learned Addl. GA further submitted that the petitioner was not in the grade of TCS selection grade on 01.01.2015 as he has been promoted to the post of TCS Grade-I selection grade on 03.07.2021 on ad hoc basis, so his case could not be considered.

20. It was further submitted that prior to granting relaxation from passing the departmental examination as per order of the Hon'ble Supreme Court, the private respondents have cleared their departmental examination and got promotion to the next higher grade i.e. TCS, Grade-I and as such, the case of the petitioner could not be considered. So, according to Learned Addl. GA Mr. Debbarma, since the petitioner has not come before the Court challenging the final seniority list dated 01.01.20215, so there is no merit in the writ petition filed by the petitioner and urged for dismissal for the writ petition.

21. The Union of India also filed counter affidavit and in the counter affidavit in para numbers 9-14 have asserted the following facts:-

“9. That, the process for appointment of State Civil Service officers to the IAS under IAS (Appointment by Promotion) Regulations, 1955 begins with determination of year-wise vacancies. Once the vacancies are determined, the State Government is required to make available the relevant service records of eligible State Civil Service officers who fall within the zone of consideration to the Union Public Service Commission. The Commission convenes the Selection Committee Meeting (SCM). The role of Union of India in finalizing the selection is restricted to determination of vacancies based upon a proposal from the State Government, participating in the selection process by nominating two officers not below the rank of Joint Secretary as its representatives in the Selection Committee Meeting and finally issuing appointment notification of those State Civil Service officers who are recommended by the Selection Committee to be Included unconditionally in the Select List duly approved by the Union Public Service Commission.

10. That, the Central Government, upon receiving the approval of the UPSC on the recommendations of the Selection Committee, issues two notifications viz. Part A and Part B. The Part A notification is issued to notify the Select List of the State Civil Service officers, prepared by Selection Committee under Regulation 5(5) and approved by UPSC under Regulation 7(2) of Promotion Regulations towards filling up promotion quota vacancies. This notification contains all names of the officers including dead, retired and provisional, recommended by Selection Committee. Officers included in this Select List are considered to be appointed to the IAS. The Part B notification is issued appointing those State Civil Service officers, who were included in the Select List (Part A notification) unconditionally and are in service and have furnished necessary declarations.

11. That, with respect to the appointment by promotion of SCS officers to the IAS of Tripura cadre from the Select List of 2017 to 2020, it is stated that this respondent vide letter dated 30.01.2018 had determined 06 vacancies for promotion of SCS officers to IAS of Tripura cadre from Select List of 2017 (i.e. for vacancies arisen between 01.01.2017 to 31.12.2017) and vide letter dated 01.06.2022 had determined 07, 04 and 05 vacancies for promotion of SCS officers to IAS of Tripura cadre from Select List of 2018, 2019 and 2020 respectively.

12. That, the State Government who, once the vacancies are determined by the Central Government, is required to make available the relevant service records of eligible officers who fall within the zone of consideration to the Union Public Service Commission (UPSC). The UPSC convenes meeting of the Selection Committee (SCM), which makes its recommendations for promotion of State Service Officers to IAS.

13. That, it is also submitted that the respondent Department, upon receiving the approval of the UPSC, vide letter dated 14.03.2022 on the recommendations of the Selection Committee Meeting held on 08.02.2022 for preparing Select List of 2017, issued two notifications viz. Part A and Part B on 15.03.2022. Through Part A notification, the Select List 2017 comprising name of all the officers included in the Select List was notified. The Part B notification was issued appointing those SCS officers, who were included in the Select List (Part A notification) unconditionally and were in service and have furnished necessary declarations.

14. That, it is further submitted that the respondent Department, upon receiving the approval of the UPSC, vide letter dated 12.12.2023 on the recommendations of the Selection Committee Meeting held on 16.10.2023 for preparing Select List of 2018 to 2020, issued two notifications viz. Part A and Part B on 14.12.2023. Through Part A notification, the Select Lists 2018 to 2020 comprising name of all the officers included in the Select Lists was notified. The Part B notification was issued appointing those SCS officers, who were included in the Select List (Part A notification) unconditionally and were in service and have furnished necessary declarations."

22. However, at the time of hearing Learned Dy. SGI drawn the attention of the Court that the name of the petitioner was not forwarded by the state government to UPSC for consideration of the selection committee and as such, the selection committee did not recommend his name for inclusion in any of the select list of 2017 to 2020 and in absence of such recommendation the petitioner could not have appointed to the Indian Administrative Service.

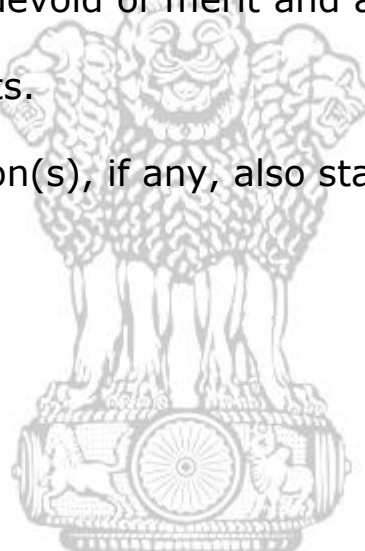
23. However, at the time of hearing Learned Counsel for the petitioner could not satisfy the Court as to why the petitioner has not challenged the final seniority list of TCS Grade-I selection grade dated 01.01.2015.

24. Although, Learned Counsel for the petitioner fairly submitted that due to pendency of the SLP the petitioner could not challenge the said finally published senioriy list dated 01.01.2015. So, after hearing both the sides it appears to the Court that until and unless the said finally published seniority list dated 01.01.2015 is challenged by the petitioner, there is no scope on the part of this Court to issue any Rule against the respondents or to grant any relief in favour of the present petitioner.

In view of the above, the writ petition filed by the petitioner appears to be devoid of merit and accordingly, the same stands dismissed. No costs.

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

JUDGE



सत्यमेव जयते