



HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.375 of 2026

Sri Amit Kumar De,
S/O: Lt. Chitta Ranjan De,
R/O: Vill+P.O.: Gokulnagar,
P.S.: Fatikroy, Sub-Division: Kumarghat,
Dist.: Unakoti, PIN:799290,
Aged about: 45 years.

.... **Petitioner(s).**

Versus

- 1. The State of Tripura,**
Represented by its Secretary,
Higher Education Department,
Govt. of Tripura, P.O.: Secretariat,
P.S.: New Capital Complex, Dist: West Tripura,
PIN:799001.
- 2. The Director of Higher Education,**
Higher Education Department,
Govt. of Tripura, P.O: Agartala,
P.S: West Agartala, Dist:West Tripura,
PIN:799001.
- 3. The Tripura Public Service Commission,**
Represented by it's Secretary, Akhaura Road,
P.O: Agartala, P.S: West Agartala,
Dist: West Tripura, PIN: 799001.
- 4. The Secretary,**
Tripura Public Service Commission,
Akhaura Road, P.O: Agartala, P.S: West Agartala,
Dist: West Tripura, PIN:799001.
- 5. The Controller of Examinations,**
Tripura Public Service Commission,
Akhaura Road, P.O: Agartala,
P.S: West Agartala, Dist: West Tripura,
PIN:799001.

.....**Respondent(s).**

For Petitioner(s)	:	Mr. Arijit Bhaumik, Adv.
For Respondent(s)	:	Mr. Karnajit De, Addl. G.A. Mr. Kundan Pandey, Adv.
Date of Hearing & Delivery of Judgment and Order	:	19.06.2026
Whether fit for Reporting	:	NO

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order (Oral)

This writ petition is filed by the petitioner seeking the following reliefs:-

- i. **Issue notice upon the Respondents;**
- ii. **Call for the records;**
- iii. **Issue Rule calling upon the Respondents to show cause as to why a direction shall not be issued mandating the Respondents to allow the Petitioner to appear for the interview/personality test for the post of Assistant Professor (Education) pursuant to the Advertisement bearing No.05/2025 dated 30.01.2025.**

AND

Issue Rule Calling upon the Respondents to show cause as to why a writ of certiorari or any other appropriate writ shall not be issued quashing or interfering with the notification dated 16th May, 2026 to the extent that the Application Id of the Petitioner has not been included in the list of candidates for interview/personality test in Education subject in consequence of the Advertisement no.05/2025 dated 30.01.2025.

AND

Issue Rule calling upon the Respondents to show cause as to why a writ of Mandamus or any other appropriate writ shall not be issued mandating the Respondents to recommend the name of the Petitioner for appointment to the post of Assistant Professor (Education) subject pursuant to the Advertisement no.05/2025 dated 30.01.2025 if upon interview/personality test, the Petitioner comes within the zone of recommendation.

- iv. **And after hearing the parties, be pleased to make the rule absolute.**

AND

In the interim, be pleased to direct the Respondent Tripura Public Service Commission not to recommend any candidate for appointment to the post of Assistant Professor (Education Subject) in furtherance of the Advertisement no.05/2025 till disposal of the connected writ petition.

AND/OR

Pass any other/orders as deemed fit and proper.

AND

For this kindness your humble Petitioner as in duty bound shall ever remain grateful."

02. Heard Learned Counsel, Mr. A. Bhaumik appearing on behalf of the petitioner. Also heard Learned Counsel, Mr. K. Pandey appearing on behalf of respondents-TPSC and Learned Addl. G.A., Mr. K. De appearing on behalf of the other State-respondents.

03. Taking part in the hearing, Learned Counsel for the petitioner drawn the attention of the Court that the petitioner is a Government Servant against an advertisement vide No.05/2025 dated 30.01.2025 he applied online for the post of Assistant Professor (Education Subject), Group-A Gazetted, Government (Degree) Colleges under the Higher Education Department, Govt. of Tripura. By the said Advertisement TPSC also called for selection in respect of other posts also and in the Education subject there were in total 12 posts out of which 9 reserved for UR category and 3 belonged to ST category. As per the Advertisement the candidates were supposed to submit online application within 07.03.2025 up to 5.30 pm. But later on the same was extended till 15.05.2025 vide another notification dated 29.03.3025. Again the last date for submitting online application was further extended up to 20.05.2025 (5.30 pm) vide another Notification dated 24.04.2025. It was further submitted that the TPSC further

extended the period for submitting online application till 20.05.2025.

04. According to the Learned Counsel the petitioner completed his Madhyamik Examination, thereafter, H.S (+2) Examination and after completion of H.S(+2) Examination he completed his Graduation in B.Sc. from Assam University, Silchar in the year 2001. Thereafter, the petitioner completed his Masters in M.Sc. from Assam University, Silchar in Life Science (Botany) in the year 2003 along with B.Ed in the year 2004 from Assam University. Further, the petitioner also completed his M.Ed from Assam University on 16.02.2009. The petitioner completed his SLET in Education subject on 13.07.2013 and also completed his NET in Education Subject on 25.03.2013 and finally he completed his Ph.D in Education subject on 06.09.2016.

05. On his application the petitioner was awarded Application I.D No.AD05/2025/15655. It was the further case of the petitioner that at the time of filing application the system of the TPSC was not accepting the middle name of the petitioner. The petitioner tried to apply with his middle name on multiple occasions but the middle name was not accepted and having no other alternative, the petitioner had to apply without his middle name. The full name of the petitioner is 'Amit Kumar De' and in all documents his name was mentioned as 'Amit Kumar De' but his name was registered as 'Mr. Amit

De' in place of 'Mr. Amit Kumar De' and in this regard, one email was addressed to TPSC on 02.03.2025.

06. It was also submitted that on 23.05.2025, the petitioner submitted his hard copy of the online application form along with all the relevant testimonials and submitted a representation physically to the Office of TPSC praying for accepting the application and to consider the correction of middle name in the application form of the petitioner.

07. Learned Counsel for the petitioner further submitted that on 22.04.2026, the TPSC published the API score of all the candidates and in this regard a Notification was issued informing that the candidates are allowed to submit their representation, if any, regarding the API calculation along with supporting documents. As per the notification, the petitioner secured API score of 78 which was one of the highest score in the Education subject.

08. Thereafter, the petitioner was expecting that the TPSC would call for the interview/personality test and in this regard, on 16.05.2026, the respondents Public Service Commission called the candidates for interview/personality test but seeing the same, the petitioner was astonished that his name was not there inspite of highest API score. According to the petitioner, one Sri Sukanta Chanda was also called for interview/personality test in Education subject inspite of having lesser API score than that of the petitioner.

09. Learned Counsel for the petitioner further submitted that by the Notification dated 16.05.2026 the respondent TPSC called 49 candidates for interview/personality test in Education subject but the petitioner was not called for interview/personality test, so under compelling circumstances the writ petition has been filed by the petitioner seeking the aforesaid reliefs.

10. On instruction Learned Counsel, Mr. K. Pandey appeared on behalf of the TPSC-respondents and submitted that in pursuance of notification dated 22.04.2026 [**Annexure-15**] of the writ petition the petitioner inspite of allowing opportunity did not submit his employment certificate and from the API score it appears that in the respective column it was specifically mentioned that the same was issued subject to submission of age relaxation certificate but inspite of granting opportunity he did not submit any document being a Government Servant so the TPSC rightly disallowed to call him for the personality test.

11. Heard both the sides and perused the relevant documents.

12. In course of hearing, Learned Counsel for the petitioner herein drawn the attention of the Court that in pursuance of Advertisement dated 05/2025, the petitioner is supposed to submit his no objection certificate at the time of interview. To that Learned Counsel referring the same Advertisement submitted that at the time of submission of

documents the petitioner was supposed to submit all the relevant documents including his employment certificate. But the same was not submitted.

13. In this regard, Learned Counsel appearing for the petitioner relied upon one citation of the Hon'ble Supreme Court of India in ***Bhushan Kumar Puri Vs. State of Punjab and Others*** reported in ***1980 (Supp) SCC 452***, wherein in Para No.4, Hon'ble Apex Court observed as under:-

"4. It appears from the affidavit that the Commission did not consider it necessary to readvertise the post or to call the candidates again for interview. There is also no direction either in the judgment of Harbans Lal, J. or in the judgment appealed from for readvertising the post. None of the parties who appeared before us also questioned the propriety of the decision taken by the Commission to confine the selection to among the candidates who had applied in response to the advertisement issued on September 10, 1975. It is therefore clear that the fresh selection had to be made in accordance with the conditions appearing in the said advertisement, one of which was that the candidates must pass the test in Punjabi before interview. If the Commission proposed to make the selection on the basis of the performance of the candidates at the last interview, the appellant was clearly not eligible for selection as he had not passed the test then. And if the Commission took note of the fact that the appellant had passed the test since then, it is only just that they should also take into consideration any qualification acquired by the other candidates in the meantime. It is to be remembered that the selection was being made about two years after the original selection had been set aside. If in these circumstances it is held, as the High Court has done, that the candidates should be interviewed again before the selection was made, we find no valid reason to interfere with that decision. We do not however think as the High Court does that the Commission has violated any principle of natural justice and we affirm the order of the High Court on the grounds mentioned above. We realise that it is a little hard on the appellant to have to compete again for the post for which he was twice preferred by the Commission on merit, but for the reasons we have already stated it is not possible to uphold the selection."

Further reliance was placed upon another judgment of the Hon'ble Supreme Court in ***Poonam Rani Alias Poonam Vs. State of Haryana and Another*** reported in ***(2012) 6***

SCC 596, wherein in Para Nos.22 and 23, Hon'ble the Apex Court observed as under:-

"22. The question which remains to be considered is as to what relief, if any, can be given to the appellant. Since the record of selection has been destroyed, it is not possible for this Court to consider and decide the appellant's plea that the assessment of her performance in the written examination was vitiated due to arbitrariness and lack of objectivity. In this scenario, the only possible course could be to direct the Commission to conduct fresh written test and interview. However, it will not be fair to confine the fresh selection to the appellant alone. The other unsuccessful candidates, who could not approach the High Court or this Court on account of ignorance or financial constraints cannot be deprived of their legitimate right to be again considered along with the appellant and any direction by the Court to consider the case of the appellant alone would result in the violation of the doctrine of equality.

23. In the result, the appeal is allowed and the impugned judgment as also the order passed by the learned Single Judge are set aside. The Commission is directed to hold fresh written test and interview for considering the candidature of the appellant and other unsuccessful candidates after giving them due intimation about the date, time and place of the examination and interview. This exercise should be completed within a period of four months from the date of receipt/production of this order. The candidates who are selected on the basis of the exercise undertaken pursuant to this direction shall become entitled to be appointed against the vacancies which may be available on the date of finalisation of the selection. The parties are left to bear their own costs."

Referring the same, Learned Counsel submitted that in view of the principle of law laid down by the Hon'ble Apex Court in the aforementioned cases, the case of the petitioner be considered.

14. I have heard both the sides at length and perused the writ petition and the documents. It is the admitted position that, the present petitioner being a Government Servant applied online mentioning himself that he was in Government service at the time of filing application. However, probably the petitioner due to some confusion at the time of submission of

online application or hard copies of documents for any reason failed to submit the employment certificate. It may also be held that the petitioner might have considered to submit the Employment Certificate/ No Objection Certificate at the time of personality test failed to submit the same to the Department in pursuance of the employment Notification dated 30.01.2025 [**Annexure-1**] and also the subsequent notification dated 22.04.2026 [**Anenxure-15**]. However, this fact also has been accepted by the TPSC and from the notification dated 22.04.2026 and the connected API score of the petitioner it appears that he secured 78 API score and in the relevant column it was mentioned that he was eligible subject to submission of Government Service/Employment Certificate for age relaxation as he was more than 40 years of age. But in my considered view, on the ground of non submission of Employment Certificate there was no reason for the TPSC to disallow him to appear in the interview/personality test which was disallowed vide notification dated 16.05.2026.

Resulting which the petitioner has been prejudiced and his scope to appear in the personality test has been curtailed by TPSC which was in violation of the principle of natural justice.

Thus, it appears to this Court that the TPSC be asked to give opportunity to appear in the personality test/interview to prove his candidature.

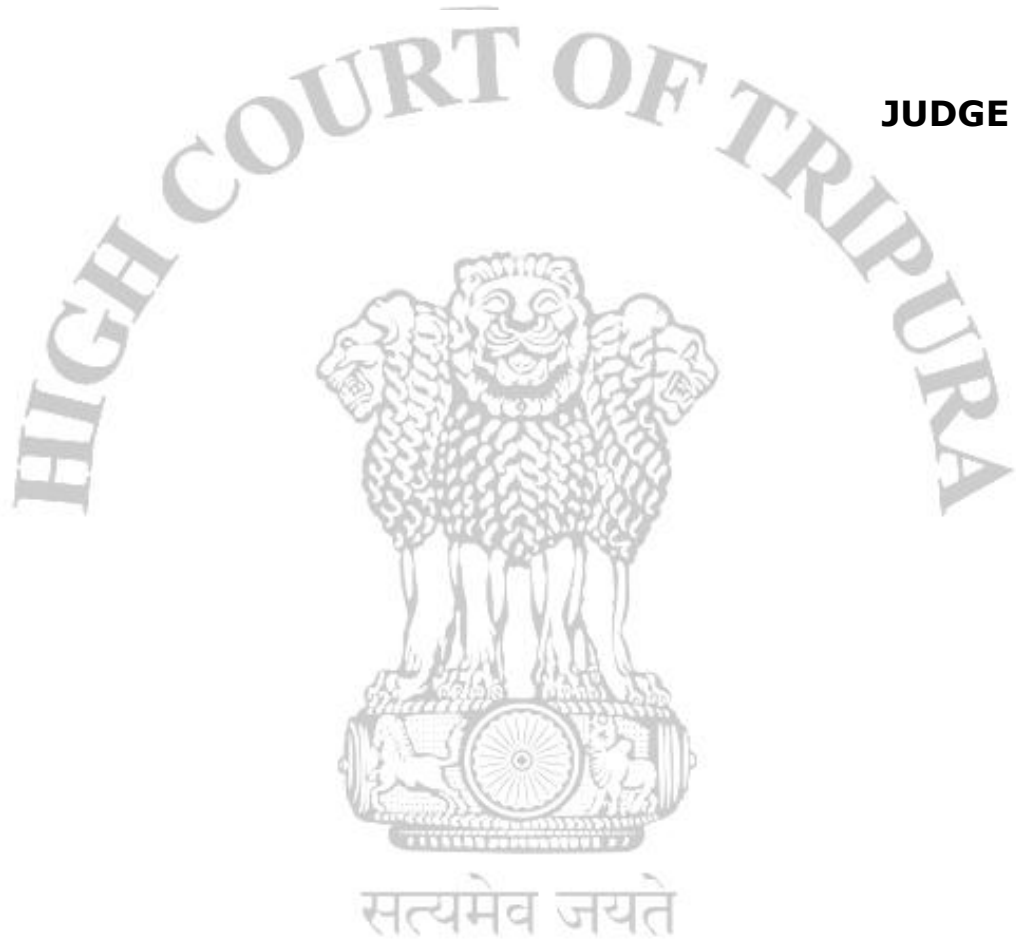
In the result, the writ petition is allowed.

The TPSC-respondents be asked to arrange for conducting interview/personality test of the petitioner for the post of Education within a period of 2 (two) months from the date of passing of this judgment.

With this observation, this present writ petition stands disposed of.

Pending application/s, if any, also stands disposed of.

JUDGE



Amrita

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