



**HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C)No.375 of 2025

Sri Subrata Reang

C/O- Lt Najar Kr Reang,
Resident of Arundhutinagar,
P.O and P.S- A.D Nagar, Tripura, Pin – 799003

.....The Petitioner(s)

Versus

1.The Union of India

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 its Secretary

3.The Chairman

Selection Committee for selection to the Indian Administrative
Service Constituted under Regulation 3 of the IAS (appointed by
promotion) Regulations, 1955, represented by its Chairman,
Union Public 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 Kr 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,
Agartala, Tripura.

.....The Respondent(s)

For Petitioner(s)	:	Mr. Pradyot Maishan, Adv.
For Respondent(s)	:	Mr. Bidyut Majumder, DSGI, Mr. Mangal Debbarma, Addl. G.A.

Date of Hearing : 05.05.2026

Date of delivery of
Judgment and Order : 18.05.2026

Whether fit for
Reporting : NO

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

Heard Learned Counsel, Mr. Pradyot Maishan appearing on behalf of the petitioner and also heard Learned Additional G.A., Mr. M. Debbarma appearing on behalf of the respondents.

02. The petitioner has filed the writ petition seeking the following relief/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 Notification, dated, 14/12/2023, & 15/03/2022, issued by the Under Secretary to the Government of India.

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 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.

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 create a supernumery post & give promotion to the petitioner from Tripura Civil Service Cadre (TCS) to Indian Administrative Service (IAS).

IV. Make the rules absolute.

V. Call for records,

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

03. At the time of hearing, Learned Counsel for the petitioner submitted that the petitioner was appointed as TCS, Grade-II in year 1997 in pursuance of Rule 16 of the Tripura Civil Service Rules, 1967 read with Clause (b) of Sub-rule (1) of rule 5 of the said rule (Annexure-1). Thereafter, vide memo dated 04.05.2010 the G.A.(P&T) Department released the draft seniority list of the TCS, Grade-II Officers wherein the name of the petitioner was shown to be at serial No.12 and the name of the private respondent Nos.7 and 8 was shown at serial No.26 and 30. After that the petitioner along with others filed writ petitioner before the High Court vide W.P.(C) No.71 of 2019 on the ground that they were promoted to the post of TCS, Grade-II and they have successfully completed the period of probation of two years but the respondents by one office notification dated 21.07.2008 extended the period of probation of the petitioner for an uncertain period on the ground that they did not pass the Departmental Examination. The petitioner challenged the notification dated 21.07.2008 on the ground that the said notification was arbitrary, unconstitutional and violative of TCS Service Rules, 1967.

It was also submitted that since the petitioners were appointed by promotion as per the provision of Rule 5(b) of TCS Rule, 1967 observing the procedure prescribed in Rule 14 and 15, so, they were exempted from the prescribed examination during the probation period by virtue of the provision prescribed

in Rule 22 of the Rule 1967. Hence, the petitioner was entitled to be confirmed as per Rule 23 on successful completion of the provision period. According to the petitioner, the respondent vide office order dated 16.03.2005 exempted 17 officers from appearing in the Departmental Examination and vide order dated 07.07.2008 also further exempted 31 officers from appearing in the Departmental Examination in exercise of the power conferred under Rule 35 of the TCS Rules, 1967. 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 confirmed the petitioner in TCS Grade-II under Rule-23 of 1967 but the other prayer was rejected. The judgment was annexed as Annexure-3.

It was further submitted that the petitioner thereafter, preferred writ appeal before this High Court vide writ appeal No.60 of 2012 and during the pendency of the writ appeal the G.A.(P&T) Department vide notification dated 03.04.2013 confirmed the petitioner in TCS, Grade-II post on satisfactory completion of their probation period w.e.f. 03.11.1999 (Annexure-4). The petitioner also relied upon the judgment of writ appeal as Annexure-5 and after that the petitioner preferred SLP bearing No.3287 of 2014 before the Supreme Court against the impugned judgment and order dated 02.09.2013 passed in W.A. No.60 of 2012 and as per direction of the Hon'ble Supreme Court of India by a notification dated

17.04.2017 the petitioner was exempted from passing the Departmental Examination (Annexure-7). After that vide notification dated 03.07.2021 issued by the Deputy Secretary to the Government of Tripura, in pursuance of Rule 30 of the Tripura Civil Service Rules, 1967 the Government appointed the petitioner to the post of TCS, Grade-I, Selection Grade on Adhoc basis as one time measure (Annexure-8). After that the petitioner made a representation on 06.06.2025 to the Government, i.e. to the Secretary G.A.(P&T) Department, seeking his promotion to the higher post (Annexure-9). In the meantime, the under Secretary, Government of India by a notification dated 14.12.2023 appointed Ratan Biswas and Rakhi Biswas in the Indian Administrative Service and by the said notification dated 14.12.2023, Dilip Kumar Chakma was promoted to the Indian Administrative Service and by another notification dated 15.03.2022, Nagendra Debbarma was also given promotion to the post of IAS. It was further submitted by Learned Counsel for the petitioner that said Ratan Biswas and Rakhi Biswas were junior to him and in the seniority list of 2011 both were also junior to him because both of them joined in the Civil Service, Grade-II on 01.09.1998 but he was joined in the State Civil Service on 03.11.1997. Similarly, other respondents Dilip Kumar Chakma and Nagendra Debbarma were also given promotion to the post of IAS depriving him. The petitioner relied upon those notifications dated 15.03.2022 and the notification dated 14.12.2023 as Annexure-10.

Learned Counsel further submitted that as the representation submitted by the petitioner was not addressed by the respondent-Department, so, he has filed this writ petition seeking the relief as stated above.

04. The State has contested the case by filing counter-affidavit. In para Nos.8 to 11 the State-respondents have asserted the following facts:

"8. That, in reply of the contents of paragraphs-6 & 7 of the writ petition, I humbly submit that it is a matter of records. The petitioner (Shri Subrata Reang) alongwith other filed a writ appeal in the Hon'ble High Court of Tripura bearing No. WA No.60 of 2012 (Divisional Bench) against the judgment and order passed by the Hon'ble Gauhati High Court's dated 19-July, 2012. The Hon'ble High Court of Tripura passed an order dated 02-09-2013. The relevant portion of the judgment is as follows:

"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 provision of the Rules, 1975, no such direction can be issued.

the appeal is only allowed to the limited extent that the appellant-petitions 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".

9. That, in reply of the contents of paragraphs-8 to 10 of the writ petition, I humbly submit that being aggrieved, the petitioners filed SLP(C) No.3287 of 2014 before the Hon'ble Supreme Court of India against the judgment passed by the Hon'ble High Court of Tripura. The Hon'ble Supreme Court of India in its order dated 08-07-2015 has disposed of the said SLP. The relevant portion of the said judgment is as follows: -

"Be that as it may we are only inclined to direct the Govt. to consider the case of the petitioners under Rule, 35 of 1967 Rules as the said Rule would be applicable to the case at hand. While considering the issue of relaxation, the State Govt. shall keep in mind the expediency and other factors that had weighed with it while passing the orders dated 16th March, 2005 and 7th July, 2005. Needless to emphasize, the order shall contain reasons.

With the aforesaid modification in the order passed by the High Court, the special leave petition stands disposed of, without any order as to cost".

In compliance with order passed by the Hon'ble Supreme Court of India dated 08-07-2015, the matter was placed before the Council of Ministers. The Council of Ministers in its meeting held on 11th April, 2017 approved to give one time relaxation as on exemption from appearing at the Departmental Examination to all the 6(six) petitioners (including Shri Subrata Reang, Petitioner). As per decision of Council of Ministers, the notification for exemption of 6(six) TCS officers from passing the Departmental Examination had been issued vide No.F.30(1)-GA(P&T)/2009 dated 17th April, 2017.

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 Examination in full. However, in view of the exemption from the Departmental appearing before the Departmental Examination, above 6(six) TCS Gr-II officers including the petitioner (Shri Subrata Reang) had become eligible for promotion to the post of 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 1st April, 2017.

Thereafter, the State Govt. had introduced ad-hoc Promotion Policy, 2021 on 22-06-2021 to allow promotion to the State Govt. employees on ad-hoc basis as one time measure on prospective effect basis subject to the final outcome of the SLP pending before the Hon'ble Supreme Court of India.

Following the provision of above ad-hoc Promotion Policy, the petitioner (Shri Subrata Reang) has been promoted to the post of TCS Gr-1 (Selection Grade) on ad-hoc basis with prospective effect and there was no discrimination meted out to him viz-a-viz other similarly situated colleagues of him.

10. That, in reply of the contents of paragraph-11 of the writ petition, I humbly submit that this is a matter of records that as per Promotion Policy, 2021, Shri Subrata Reang, TCS Gr-II has been promoted to the post of TCS Gr-I (Selection Grade) on ad-hoc basis on prospective date as one time measure. Therefore, as per promotion Policy Shri Reang did not get any promotion to the next higher grade from his present ad-hoc post.

11. That, in reply of the contents of paragraph-12 of the writ petition, I humbly submit that it 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 was held on the basis of finally published seniority list of Tripura Civil Service Officers Gr-I (Selection Grade) as on 01-01-2015. In the said finally published seniority list, Shri Subrata Reang [Petitioner] did not figure. 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 was 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, Shri Subrata Reang [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.

Further, it is stated that the Petitioner was not in 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."

At the time of hearing, Learned Addl. G.A. for the State-respondents submitted that the other private official respondents were confirmed in their service much earlier as because the official private respondents were appointed to the post of IAS on the basis of select list of 2018 and the Selection Committee considered the finally published seniority list of TCS Officers, Grade-I as on 01.01.2015 but in the said finally published seniority list the name of the present petitioner was not there, so, his name was not considered. Further, the petitioner was not in TCS, Grade-I as on 01.01.2015 and he has

been promoted to the post of TCS, Grade-I, Selection Grade-I on 03.07.2021 on Adhoc basis. So, there was no question to promote the petitioner to the post of Indian Administrative Service.

Learned Addl. G.A. also submitted that the petitioner in this writ petition did not challenge the final seniority list dated 01.01.2015 and until and unless the said final seniority list is challenged, there is/was no any scope on the part of the State Government to recommend the name of the petitioner, nor there is any scope on the part of this Court to issue any rule in this regard.

Union of India also filed counter-affidavit. In their counter-affidavit they only asserted that as per recommendation of the Selection Committee the respondents were appointed to the post of IAS and they had no direct role on it.

05. I have heard both the sides at length and perused the writ petition and the documents annexed as well as the counter-affidavit filed by the respondents. The petitioner in this case prayed for certain reliefs including the prayer for directing the respondents to consider the name of the petitioner for promotion to the post of Indian Administrative Service.

Admittedly, the petitioner joined in TCS in 1997 but as he could not qualify the Departmental Examination, so, his service was not confirmed but prior to his confirmation the other

private official respondents could qualify the Departmental Examination and they were accordingly confirmed in their service and promoted. The petitioner approached to the Court and finally as per direction of the Hon'ble Supreme Court he was exempted from appearing in the Departmental Examination and later on by notification dated 17.04.2017 (Annexure-7) issued by the Government of Tripura he was exempted from passing the Departmental Examination and thereafter, the petitioner was promoted to the post of TCS Grade-I (Selection Grade) on adhoc basis by another memorandum dated 03.07.2021 (Annexure-8). But in the given case, the private official respondents on the basis of seniority list of 2015 were promoted to the post of IAS but the petitioner did not challenge the said seniority list of 2015 before this Court or any other forum and unless and until the seniority list of 2015 is challenged and the seniority of the petitioner is restored in that case there was no scope on the part of the respondent-State to consider the name of the petitioner in the selection list of IAS.

06. At the time of hearing, Learned Counsel for the petitioner could not give any explanation as to why the petitioner has not challenged the said selection list rather Learned Counsel only submitted that since the petitioner was pursuing his case before the Supreme Court, so, no steps could be taken by him in this regard. But this plea cannot be taken as a genuine ground for issuing any rule in this writ petition. Thus,

it appears that the petitioner has failed to satisfy the Court by showing any cogent materials on record to issue any rule against the State-respondents. As such the petitioner is not entitled to get any relief in this writ petition.

07. In the result, the writ petition filed by the petitioner is found to be bereft of merit.

Accordingly, the same stands dismissed/rejected.

With this observation this writ petition stands disposed of.

Pending application(s), if any, also stands disposed of.

JUDGE

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