

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 605/2024

Sri Bikash Roy, son of late Subhash Chandra Roy, Counsellor, Bhati Abhoynagar UPHC & UHTC, Health and Family Welfare Department, Tripura State AIDS Control Society, P.O.-Agartala-799001, P.S. West Agartala, District-West Tripura.

..... PETITIONER

Versus

1. National AIDS Control Organization, Ministry of Health & Family Welfare, Government of India, 88, Janpath Road, HC Mathur Lane, New Delhi-110001, represented by its Secretary to the Government of India;

2. Tripura State AIDS Control Society, Health & Family Welfare Department, Government of Tripura, Akhaura road, opposite to IGM Hospital, P.O. Agartala-799001, P.S. West Agartala, District- West Tripura, represented by its Project Director;

3. The Project Director, Tripura State AIDS Control Society, Akhaura road, opposite to IGM Hospital, P.O. Agartala-799001, P.S. West Agartala, District- West Tripura;

4. The State of Tripura, represented by its Secretary, Health & Family Welfare Department, Government of Tripura, New Civil Secretariat, P.O. New Civil Secretariat-799010, P.S. New Capital Complex, District- West Tripura;

5. Sri Mrinal Kanti Guha, son of Sri Mrityunjoy Guha, Assistant Director (CSS & GIPA), Office of the Project Director, Tripura State AIDS Control Society, opposite to IGM Hospital, P.O. Agartala-799001, P.S. West Agartala, District- West Tripura;

6. The Union of India

represented by its Secretary, Ministry of Health & Family Welfare, Government of India, 9th Floor, Chandralan Building, 36, Janpath Road, New Delhi-110001.

---Respondent(s)

For Petitioner(s)	:	Mr. A. Sengupta, Advocate
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharjee GA
Date of hearing & delivery of judgment	:	09.02.2026
Whether fit for reporting	:	No

**BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
Judgment & Order (Oral)**

Heard Mr. A. Sengupta, learned counsel appearing for the petitioner as well as Mr. Kohinoor N. Bhattacharjee, learned GA appearing for the State-respondents.

2. By means of filing this writ petition, the petitioner has prayed for the following reliefs:

- “i) ISSUE RULE, calling upon the respondents, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, calling for the records, lying with the respondents, for rendering substantial and conscionable justice to the petitioner;*
- ii)ISSUE RULE, calling upon the respondents, to show cause as to why a Writ of Mandamus and/or in the nature thereof, directing the respondents to cancel the appointment of private respondent no. 5 (Annexure to the writ petition;*
- iii) ISSUE RULE, calling upon the respondents, to show cause as to why a Writ of Mandamus and/or in the nature thereof, directing the respondents to allow the petitioner to appear in the walk-in-interview alongwith other candidates for the post of Assistant Director (CCS & GIPA) within a definite period, as may be determined by the Hon'ble High Court;*
- iv) After hearing the parties, be pleased to make the Rules absolute in terms of Prayer i, ii and iii above;*
- v) Costs of and incidental to this proceeding;.”*

3. The facts of the case, lies in a narrow compass, is that, the petitioner has been working under the respondent no. 3 w.e.f. 26.08.2009 to 30.03.2015 as GIPA Co-ordinator and w.e.f. 31.03.2015 to till date as Counselor. The respondent no. 3 issued employment notification dated 08.08.2023 for the post of Assistant Director (CSS & GIPA) alongwith other posts. The petitioner herein applied for the said post. The respondent no. 3 short-listed 6 candidates for walk-in-interview on 04.12.2023. Thereafter, on 04.01.2024 the respondent no. 3 appointed respondent no. 5 for the said post. The petitioner was not invited for said walk-in-interview on the ground that he has not

submitted his Permanent Resident of Tripura Certificate to establish his permanent residence in the State of Tripura. Apart from that, the petitioner also having main essential requirement for the said post that he has been living with HIV/AIDS but, the respondent no. 3 appointed respondent no. 5 who is not a person living with HIV/AIDS when it is mandatory for the respondent no. 3 to appoint a person living with HIV/AIDS for the said post of Assistant Director (CSS & GIPA), as per guidelines of the Advertisement. The petitioner raised his grievance by issuing notice of demand upon the respondents, but the respondents remained un-responded. Hence, the writ petition.

4. The contention of Mr. Sengupta, learned counsel appearing for the petitioner is that the petitioner is entitled to the said post since he is having all requisite qualification. It is further submitted that since the petitioner is an employee of respondent no. 3, the said PRTC is not a mandatory requisite. It is further submitted that despite fulfilling all essential criteria, the respondents did not allow the petitioner to appear in the interview. Further, it is submitted that the grievance raised by the petitioner through his demand notice has also not been addressed to.

5. Mr. Bhattacharjee, learned GA appearing for the State-respondents in all fairness has raised the issue that the key document i.e. the PRTC, has not been submitted by the petitioner before the Interview Board, which significantly shows that the petitioner does not belong from the State of Tripura. It is argued

by learned GA that since the essential requirement has not been fulfilled by the petitioner, the respondent was fair enough to reject the petitioner from appearing in the interview.

6. This court has meticulously perused the record in hand. This court is to be governed by the principle of justice, equity and good conscious. Needless to say, based on legal principles and standard recruitment practices, particularly in public employment, an Interview Board or Selection Committee is generally restricted from calling a candidate for an interview if he/she does not meet the requisite qualification specified in the advertisement.

7. The petitioner had applied for the post of Assistant Director (CSS & GIPA) under the respondent No.3, in terms of Notification dated 08th August, 2023. From the Employment Notification dated 08th August, 2023 (Annexure R/1), it is revealed that applications are invited from the ***candidates having Indian Nationality & Permanent Resident of Tripura***. Further, from Order dated 26.08.2009 (Annexure 6) issued by the respondent No.3, it is revealed that the petitioner is a resident of Margherita, Thana Road, P.O. Margherita, District- Tinsukia, Assam. The petitioner in all manner failed to prove that he is a permanent resident of Tripura by submitting his PRTC. Thus, as per criteria of the Interview Board, without submission of supporting document like PRTC, the petitioner cannot be treated as eligible candidate to appear in the interview.

8. The advertisement prescribes a particular eligibility condition and there is no ambiguity in the language. Since the

petitioner failed to fulfill the essential and required condition of the Advertisement, he has not been called for the walk-in-interview despite acquiring other qualifications. Hence, this Court is not inclined to call for any interference.

9. In view of the above, the instant writ petition stands dismissed being devoid of any merit.

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

JUDGE



SAIKAT KAR

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