

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP(C) No.06 of 2026**

1. Sri Sukesh Kalai, S/O. Lt. Mahesh Kalai, R/O. Gandhighat, Government Residential Quarter, P.O.-Agartala, P.S.-West Agartala, District-West Tripura, PIN-799001.
  2. Sri Tapas Debbarma, S/O. Lt. Rajendra Debbarma, R/O-East Chanmari, P.O.-Bankumari, P.S.-New Capital Complex, Dist.-West Tripura, Pin-799006.
  3. Sri Joy Kishore Debbarma, S/O. Lt. Baishak Chandra Debbarma, R.O.-Village-Nisan Para, Sidhai Mohanpur, P.O.-Madhu Chowdhuri Para, P.S.-Lefunga, Dist.-West Tripura, Pin-799211.
  4. Sri Amrit Debbarma, S/O. Lt. Nitya Lal Debbarma, R/O-East Iswarma Para, P.O.-Sangkurma Bari, P.S.-Jampuijala, District-Sepahijala, Pin-799011.
  5. Sri Sib Dayal Jamatia, S/O. Lt. Jari Mohan Jamatia, R/O-Vill- Khakchang, P.O. & P.S.- Killa, Udaipur, Dist.-Gomati, Pin-799114.
- ..... Petitioner(s).

**V E R S U S**

1. The State of Tripura, Represented by its Special Secretary, School Education Department, Government of Tripura, P.O.-Secretariat, P.S.-New Capital Complex, District-West Tripura, Pin-799010.
  2. The Additional Secretary, School Education Department, Government of Tripura, P.O.-Secretariat, P.S.-New Capital Complex, Dist.-West Tripura, Pin-799010.
  3. The Director of Secondary Education, Directorate of Secondary Education, Government of Tripura, P.O.-Agartala, P.S.-West Agartala, Dist.-West Tripura, Pin-799001.
- .....Respondent(s).

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| For Petitioner(s) | : Mr. Arijit Bhaumik, Advocate,<br>Ms. Ishpa Chakma, Advocate.            |
| For Respondent(s) | : Mr. Kohinoor N Bhattacharyya, G.A.,<br>Ms. Pinki Chakraborty, Advocate. |

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**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO  
HON'BLE MR. JUSTICE BISWAJIT PALIT**

CAV reserved on : **07.01.2026.**

Judgment delivered on : **20.01.2026.**

Whether fit for reporting : **YES.**

**JUDGMENT & ORDER**

***(M.S. Ramachandra Rao, C.J.)***

1. Heard Mr. Arijit Bhaumik, counsel for the petitioners and Mr. Kohinoor N Bhattacharyya, Government Advocate appearing for the respondents-State.

2. The petitioners in this Writ Petition are Post Graduates appointed as Assistant Headmasters on various dates in Schools functioning under the School Education Department of the State of Tripura.

3. They have challenged the constitutional validity of Clause 8(ii) of the Rules for promotion to the post of Headmaster/Headmistress, Higher Secondary Schools issued vide notification dt.3.3.2015 (for short 'the Rules').

It states:

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| Whether age and educational qualification prescribed for direct recruitment will apply in case of promotees | Age – No<br><br>Educational Qualification:<br><br><i>सत्यमेव जयते</i><br>(i) Master Degree/Honours degree in any subject from any recognized University<br><br>(ii) <i>B.Tech/ B.Ed/ Post graduate basic training from any recognized university/ T.Ed (6 months abridged course certified by Tripura University)/ CETE from IGNOU (6 months certificate course)</i><br><br>(iii) Knowledge of Bengali or Kok-Borak |
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4. The said Rules were framed under proviso to Art.309 of the Constitution of India.

5. As per clause 11 of the above Rules, for purposes of promotion to the post of Headmaster/Headmistress from the post of Asst. Headmaster/Asst. Headmistress, 3 years regular teaching experience as teacher is required.

6. Thus candidates though not possessing B.Ed or Post graduate basic training from any recognized University, but who have already been selected as Asst. Headmasters/Headmistress on basis of possessing T.Ed (6 months abridged course certified by Tripura University) and CETE from IGNOU (6 months certificate course) are also eligible for consideration provided they have 3 years teaching experience.

7. If such persons had been validly appointed as teachers/Asst. Headmasters/Asst. Headmistress before the issuance of the NCTE notification in 2014, they cannot be disqualified from consideration for promotion to the post of Headmaster/Headmistress.

8. The contention of petitioners is to render such persons ineligible on ground that they do not possess B.Ed or Post graduate basic training from any recognized University.

9. The principal contention of the petitioners is that 6 month certificate courses like T.Ed and CETE cannot be equated with 2 year professional Teachers Training Course like B.Ed which is recognized by the NCTE; that candidates who have undergone the former course cannot be equated with those who underwent the B.Ed Course; and it amounts to treating unequals alike and so it is violative of Art.14 of the Constitution of India.

10. According to them, the post of Headmaster/Headmistress, Higher Secondary School is also a teaching post and the persons appointed by direct recruitment/promotion to the said post have to take classes at Higher Secondary level i.e Class XI and XII.

11. They contend that the post of Headmaster/Headmistress in Higher Secondary School being a teaching post, only NCTE recognized B.Ed can be considered a valid qualification for appointment to the post of Headmaster/Headmistress, Higher Secondary School; the 6 month Certificate Courses like T.Ed or CETE are not recognized by NCTE as valid teachers training Courses, and so cannot be prescribed as eligibility criteria for promotion to said posts.

12. They rely on a notification dt.12.11.2014 issued by NCTE under clause (dd) of sub-section (2) of Section 32 read with Section 12A of the National Council for Teacher Education Act, 1993.

13. The said notification of the National Council for Teacher Education lays down regulations called the National Council for Teacher Education (Determination of Minimum Qualifications for Persons to be recruited as Education Teachers and Physical Education Teachers in Pre-Primary, Primary, Upper Primary, Secondary, Senior secondary or Intermediate Schools or Colleges) Regulations, 2014.

14. There is no mention in the said notification about appointment to posts of Headmaster/Headmistress. The said regulations apply only for recruitment or promotion as 'teacher' in such schools, but not to a higher post such as Headmaster/Headmistress to which Asst. Headmaster/Asst. Headmistress from the feeder cadre.

15. The posts of Headmaster/Headmistress are posts in institutions under the School Education Department of the State of Tripura and are governed by the rules framed under proviso to Art.309 of the Constitution of India framed vide notification dt.3.3.2015. The said Rules framed on 3.3.2015 after the NCTE regulations mentioned above were issued in 2014, will alone apply for filling up posts of Headmaster/Headmistress.

16. Whether the State Government can prescribe a qualification such as T.Ed (6 months abridged course certified by Tripura University) and CETE from IGNOU (6 months certificate course) in addition to B.Ed/Post graduate basic training from any recognized University for purpose of promotion to post of Headmaster/Headmistress from the post of Asst. Headmaster/Asst. Headmistress is a matter exclusively for the State Government to decide and is not within the purview of this Court.

17. In **Zahoor Ahmad Rather v. Imtiyaz Ahmad**<sup>1</sup>, the Supreme Court held as under:

26. .... The prescription of qualifications for a post is a matter of recruitment policy. The State as the employer is entitled to prescribe the qualifications as a condition of eligibility. It is no part of the role or function of judicial review to expand upon the ambit of the prescribed qualifications. ... ..

27. While prescribing the qualifications for a post, the State, as employer, may legitimately bear in mind several features including the nature of the job, the aptitudes requisite for the efficient discharge of duties, the functionality of a qualification and the content of the course of studies which leads up to the acquisition of a qualification. The State

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<sup>1</sup> (2019) 2 SCC 404, at page 413

*is entrusted with the authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision-making. The State as a public employer may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily.”*

18. In **Punjab National Bank v. Anit Kumar Das**<sup>2</sup>, the Supreme Court held :

*“17.3. Thus, as held by this Court in the aforesaid decisions, it is for the employer to determine and decide the relevancy and suitability of the qualifications for any post and it is not for the courts to consider and assess. A greater latitude is permitted by the courts for the employer to prescribe qualifications for any post. There is a rationale behind it. Qualifications are prescribed keeping in view the need and interest of an institution or an industry or an establishment as the case may be. The courts are not fit instruments to assess expediency or advisability or utility of such prescription of qualifications. However, at the same time, the employer cannot act arbitrarily or fancifully in prescribing qualifications for posts.”*

19. Similar view was taken in **J. Rangaswamy v. Govt. of A.P.**<sup>3</sup>.

20. In view of the above decisions, we are of the opinion that this Court ought not to interfere with the policy decision of the State Government in regard to prescribing qualifications for filling up by promotion the posts of Headmaster/Headmistress.

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<sup>2</sup> (2021) 12 SCC 80, at page 89

<sup>3</sup> (1990) 1 SCC 288

21. The other contention of petitioners is that the ACRs of 184 persons have been called for as mentioned in Annexure A of Communication dt.12.11.2025, but the petitioners' ACRs have not been called for, though they are also eligible. In particular, as per seniority, the petitioners stand at S.No.292, 295, 329, 323 and 332, but ACRs of persons at S.No.294, 296, 297, 300, 315, 316,341 were called for, ignoring them.

22. The petitioners belong to ST community. The seniority list mentions names of persons whose ACRs have been summoned - reservation category wise i.e., UR, ST, SC and Physically handicapped in these categories.

23. Obviously, the respondents intend to follow the rule of reservation in the promotions and have called for ACRs keeping in mind the said aspect. If the vacancies the respondents intend to fill can accommodate in ST category only persons senior to them, petitioners cannot complain.

24. The persons at S.No.294, 296, 297, 300, 315, 316, 341 belong to SC, UR (PH) Loc, UR (PH- Low Vision) and ST (PH) (Loco). The petitioners therefore cannot object to respondents calling for their ACRs because these persons do not belong to ST category/ST category simpliciter.

25. So we find no merit in the Writ Petition and it is accordingly dismissed at the admission stage. No costs.

26. All pending applications are disposed of.

**(BISWAJIT PALIT, J)**

**(M.S. RAMACHANDRA RAO, CJ)**