

IN THE HIGH COURT OF TRIPURA
AGARTALA

W.P.(C) No.111 of 2010

No.02080008 Sub(GD) Nitaipada Ghosh,
son of late Jagadish Chandra Ghosh,
permanent resident of village – Tej Ganj
(Adarsha Pally), P.O. Natunganj, District-
Burdwan, West Bengal, presently posted as
Subdar (GD), 7th Bn TSR (IR-VI), TTAADC
HQ Complex, Khumulwung, West Tripura

..... Petitioner

- V e r s u s -

- 1. The State of Tripura,**
represented by the Chief Secretary, to the
Government of Tripura, in the Department
of Home having his office at Secretariat
Complex, Agartala, West Tripura.
- 2. The Principal Secretary**
to the Government of Tripura, in the
Department of Home, having his office at
Secretariat Complex, Agartala, West
Tripura.
- 3. The Secretary,**
to the Government of Tripura, in the
Department of General Administration
(Personnel & Training), having his office at
Secretariat Complex, Agartala, West
Tripura.
- 4. The Director General of Police,**
having his office at Police Head Quarters,
Agartala, West Tripura.
- 5. The Inspector General of Police (TSR & OPS),**
Tripura, Agartala.

..... Respondents

BEFORE
THE HON'BLE MR.JUSTICE S. TALAPATRA

For the petitioner : Mr. A. Pal, Advocate.

For the respondents : Mr. S. Chakraborty, Addl. G.A.

Date of hearing and : **09.01.2015**
delivery of judgment & order

Whether it is fit for reporting :

Yes	No
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JUDGMENT & ORDER (ORAL)

Heard Mr. A. Pal, learned counsel appearing for the petitioner as well as Mr. S. Chakraborty, learned Addl. G.A. appearing for the respondents.

[2] By means of this petition, the petitioner prays for a writ of mandamus from this Court directing the respondents to consider the petitioner for promotion to the post of Tripura Police Service, for short the TPS, Grade-II under the selection process as provided under Rules 13 and 14 of the Tripura Police Service Rules, 1967. The petitioner's case was not considered by the respondents. According to them, he does not have the qualification of graduation as required for such consideration in view of sub Rule 3 of Rule 14 of the Tripura Police Service Rules, 1967 which reads as under:

"14(3). Minimum educational qualification for promotion to Grade-II of the service shall be Graduation."

[3] There is no dispute that the graduation is the required minimum qualification for promotion to Tripura Police Service, Grade-II as referred in the sub Rule 3 of Rule 14 is 'service'. In the midst of the hearing as would be evinced from the order dated 13.06.2014 *'the petitioner brought on record a certificate showing that the petitioner was conferred the qualification of army graduate while he was in service under the*

Indian Army. By the said order dated 13.06.2014 this Court has further observed that 'while the petitioner was accepted in the TSR service, all his service records in the Indian Army was taken into consideration. If it was so, why his educational qualification, which was conferred by Indian Army as an army graduate, should not be taken to consideration?'

On that day Mr. Chakraborty, learned Addl. G.A took adjournment for seeking instruction. Mr. Chakraborty, learned Addl. G.A. has submitted that the 'Graduation Certificate' as produced by the petitioner cannot be treated as the certificate of graduation as referred in sub Rule 3 of Rule 14 of the Tripura Police Service Rules, 1967.

[4] Mr. A. Pal, learned counsel appearing for the petitioner has submitted that else the petitioner is in the zone of consideration of his length of service and seniority position but only for purported inadequacy in the qualification he was not considered. He has urged this Court to accept the certificate issued by the Record Officer under No. 46 of 1999 as the certificate of graduation for purpose of fulfilling the essential minimum qualification as prescribed in the said sub Rule 3 of Rule 14 of the Tripura Police Service Rules, 1967.

[5] Having situated thus, this Court may gainfully reproduce the entire 'Graduation Certificate' as issued by the Records Officer in favour of the petitioner. It reads as follows:

INDIAN ARMY
GRADUATION CERTIFICATE

1. This is to certify that as per Government of India, Ministry of Personnel Public Grievance and Pensions (Department of Personnel and Training) ON No. 15012/8/82 Estt(D) dated 12 Feb 86, Ex-servicemen who are matriculate (which terms includes ex-servicemen who have obtained the Indian Army Special Certificate of Education or the corresponding certificate in the Navy or the Air Force) and has put in not less then 15 years of service in the Armed Forces of the Union may be considered eligible for appointment to any reserved vacancy in Group 'C' posts for which the essential qualification is graduation and where experience of technical or professional nature is not essential.
2. In view of the above concession Service Number JC-180866P Rank Ex Sub Name & initials Nitaipada Ghosh Trade Inf Sol GD who had served in the Indian Army for 28 years from 06 Dec 71 to 31 Dec 99 may be considered educationally qualified for reserved Group 'C' posts where prescribed qualification is graduation.

Place : Fatehgarh (UP) Records Officer
Date : (illegible) May, 99 For O/C Records

[6] From bare reading of the said 'Graduation Certificate' it appears that as per Government of India, Ministry of Personnel Public Grievance and Pensions (Department of Personnel and Training) ON No. 15012/8/82 Estt(D) dated 12.02.1986, Ex-servicemen who are matriculate (which terms includes ex-servicemen who have obtained the Indian Army Special Certificate of Education or the corresponding certificate in the Navy or the Air Force) and has put in not less than 15 years of service in the Armed Forces of the Union may be considered eligible for appointment to any reserved vacancy in

Group 'C' posts for which the essential qualification is graduation and where experience of technical or professional nature is not essential. It further says that in view of the above concession, the petitioner may be considered educationally qualifying for reserved Group-C post where the prescribed qualification is 'Graduate'. There cannot be any amount of doubt that the post of TPS, Grade-II is borne in Group-A category. As such this certificate of graduation cannot have any relevance for appointment to that post. Accordingly, this Court does not find any merit in this writ petition and it is dismissed accordingly.

However, there shall be no order as to costs.

JUDGE

Sujay