

**THE HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C) No. 167 OF 2009

Sri Atul Debbarma,
son of Sri Jnan Chandra Debbarma ,
resident of Jagna Narayan Para, Baramaidan,
Kalyanpur, P.S. Kalyanpur, Dist. West Tripura.

... ***Petitioner.***

- **Versus** -

1. **The State of Tripura,**
represented by the Secretary,
to the Government of Tripura,
Home Department, Agartala.
2. **The Director General of Police,**
Government of Tripura, Agartala.
3. **The Inspector General of Police** (Communication),
And Chairman of the Board for Recruitment of Direct
Wireless Operator, Government of Tripura, Agartala.

... ***Respondents.***

**BEFORE
THE HON'BLE MR. JUSTICE U.B.SAHA**

For the petitioner : Ms. S. Deb Gupta Advocate.

For the respondents : Mr. TD Majumder, G.A.

Date of hearing & delivery
of Judgment and Order : **24.11.2015.**

Whether fit for reporting : **YES / NO**

JUDGEMENT AND ORDER (ORAL)

By means of this writ petition, the petitioner has prayed for a direction to the respondents to set aside and quash the decision of not calling upon the petitioner to appear for the viva-voce test in the last phase of selection process for the post of Wireless Operator (ASI) for operational and crypting under the Home Department and also to direct the respondents to consider the appointment of the petitioner to the post

of the Wireless Operator (ASI) for operational and crypting operation in the scale of Rs.4000-7890 (pre-revised) along with other prayers.

2. Heard Ms. S.Debgupta, learned counsel appearing for the petitioner as well as Mr. TD Majumder, learned Government Advocate appearing for the respondents.

3. Facts of the case, in short, are that the respondent No.3 invited application for recruitment of Wireless Operator (ASI) under the Tripura Police Organization and consequent thereto the petitioner applied for the said post submitting all required documents and testimonies and he was called for the written test and on successful completion he was again called upon for 'Morse' test. It is further stated that though the petitioner has all the qualification but he was not called upon for viva-voce test most illegally and arbitrarily. It is further case of the petitioner that he has obtained some documents supplied by the respondent No.3 on his application under the Right to Information Act from where it appears that although the petitioner was qualified for calling upon the interview, at the last phase of the interview he was illegally and arbitrarily deprived of the same and as such, his right has been infringed by the respondents.

4. The respondents by way of filing counter affidavit has contended that the petitioner was not called for interview as he secured only '22' (twenty two) marks in the written examination which is the only thing that has been assessed by the Recruitment Board for calling upon the candidates for interview as an ST candidate. In the process of selection of UR candidates first written examination and then 'Morse'

test was taken. Thereafter, a list was prepared of the candidates who have got cut off marks which was decided by the Recruitment Board for UR category and for SC and ST category. It is also contended that the persons who were successful in the written examination and who have obtained the cut off marks, they were only called for the oral interview. It is the further case of the respondents that the Recruitment Board has also fixed the ratio '3:1' for calling the candidates for interview with reference to the number of available vacancies. The respondents have also stated that the petitioner secured 30 marks in written and practical tests whereas the last candidate, who was called on interview, obtained 36 marks i.e. written marks 26 + 10 marks for 'Morse' test.

5. Ms. S. Deb Gupta, learned counsel appearing for the petitioner in her usual fairness submits that the instant writ petition can be disposed of only with a direction to the petitioner to file a representation to the respondent No.2 stating all his grievances

6. Mr. TD Majumder, learned Government Advocate appearing for the respondents submits that though the petitioner has got '22' marks in the written test but he was not called for viva-voce interview as the Recruitment Board has fixed the ratio at '3:1' for calling the candidates for the interview in reference to the number of available vacancies considering the marks obtained by the candidates and the petitioner did not come within the merit position fixed by the Recruitment Board for calling upon him at the last phase of interview.

7. However, this Court is not going to decide the matter on merit in reference to the submission of Ms. Debgupta, learned counsel for the

petitioner. The instant writ petition is disposed of as agreed by learned counsel appearing for the parties with the following direction:-

The petitioner is directed to submit a representation stating all his grievances within a period of 10 (ten) days from today and the respondent No.2, Director General of Police shall dispose of the said representation within 6 (six) weeks from the date of receipt of the representation by a reasoned order.

9. No order as to costs.

JUDGE

Saikat