

THE HIGH COURT OF TRIPURA
AGARTALA

W.P. (C) 126 of 2011

1. Shri Manab De, Asstt. (Gr-V),
Posted in G.A (Political Section),
Civil Secretariat, Govt. of Tripura.
2. Debashish Dasgupta,
Assistant (Gr.-V),
Posted in G.A (Political) Section,
Civil Secretariat, Govt. of Tripura.
3. Smt. Kanika Chakraborty,
Assistant (Gr.-V),
Posted in G.A (Political) Section,
Civil Secretariat, Govt. of Tripura.
4. Sri Debal Acherjee,
Assistant (Gr.-V),
Posted in G.A (Political) Section,
Civil Secretariat, Govt. of Tripura.

..... *Petitioners*

- Vs. -

State of Tripura,
Represented by the Principal Secretary,
Government of Tripura, General Administration (P & T),
Civil Secretariat, Capital Complex, Agartala.

..... *Respondent*

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE S.C. DAS

For the Petitioners	: Mr. D.K. Biswas, Advocate.
For the respondent	: Mr. B.C. Das, Advocate General. Mr. B. Dutta, Advocate.
Date of hearing & delivery of Judgment & order	: 17.06.2015.
Whether fit for reporting	: No.

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, CJ.)

By means of this writ petition, the prayer made by the petitioner is as follows:-

"In the above circumstances it is most humbly and respectfully prayed that your Lordships would be kind enough to Issue Rule asking the State Respondent to show cause as to why the amended provision of Rule 7 of the Rules shall not be struck down being ultra-vires the constitution and unreasonable in spirit, as also for leading to a undesirable consequence in the matter of public employment.

After hearing the Parties and being satisfied make the Rules in terms of above absolute.

In the mean time suspend all process to promote the Assistants (grade-V) completing 4 years, until further orders of this Hon'ble Court."

2. Basically, the petitioner wants amended Rule 7 of Rules to be struck down without making any specific allegations as to how the petitioner is directly affected by the amendment of the Rules. As far as the legal position is concerned, a Full Bench of this Court in ***W.P. (C) 189 of 2011*** and connected matters has laid down the law as to how reservation in promotion should be done and should operate. We are told that this judgment is under challenge before the Apex Court.

3. Be that as it may, the legal issues have been answered by this Court subject to what may be said by the Supreme Court. As far as the present petition is concerned, we are clearly of the view that we cannot answer hypothetical questions. We have gone

through the entire petition and other than making bald allegations that the amendment benefits the persons belonged to the reserved categories, who are granted promotion. There is no specific allegation as to how the petitioners are directly affected.

4. Therefore, we dispose of the writ petition in the light of the judgment delivered in ***W.P. (C) 189 of 2011*** and connected matters with liberty reserved to the petitioners to approach this Court by filing a separate writ petition in case any of their individual rights have been affected.

JUDGE

CHIEF JUSTICE

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