

THE HIGH COURT OF TRIPURA
A G A R T A L A

WP(C) NO.158 OF 2015

Petitioners :

- 1. Sri Sajal Karmakar,**
Son of late Nepal Chandra Karmakar,
Resident of Badarmukam, Udaipur,
P.O. R.K. Pur, Gomati District,
Pin- 799120.
- 2. Sri Jiban Debnath,**
Son of Sri Jagadish Debnath,
Resident of Mohanpur,
P.O. Majlishpur, West Tripura,
Pin- 799035.
- 3. Sri Dipak Shil,**
Son of Sri Hari Kumar Shil,
Resident of Noagoan,
P.O. Kali Bazar, Pin- 799210,
District- West Tripura.

By Advocate :

Mr. C.S. Sinha, Adv.

Respondents :

- 1. The State of Tripura,**
Represented by the Secretary,
Transport Department,
Government of Tripura,
New Secretariat Complex,
P.O- Secretariat, Pin-799010,
Agartala, West Tripura.
- 2. The Tripura Public Service Commission,**
Represented by its Secretary,
P.O- Agartala, Pin-799001, West Tripura.
- 3. The Secretary,**
Tripura Public Service Commission,
P.O- Agartala, Pin- 799001, West Tripura.
- 4. The Secretary,**
Transport Department,
Government of Tripura,
New Secretariat Complex,
P.O- Secretariat, Pin- 799010,
Agartala West Tripura.

By Advocates :
Ms. A.S. Lodh, Addl. G.A.
Mr. P. Dutta, Adv.

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
THE HON'BLE MR. JUSTICE S.C.DAS

Date of hearing &
Judgment & Order : **29.7.2015**

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

JUDGMENT & ORDER(Oral)

By means of this petition, the petitioners have challenged the manner in which the Tripura Public Service Commission (TPSC) has made selections to the post of Inspector Motor Vehicles, Group-C, (Non-Gazetted) under the Transport Department, Government of Tripura.

[2] The undisputed facts are that vide advertisement No.09 of 2014 applications were invited for filling up various posts including 10 posts of Inspector, Motor Vehicles. The petitioners also applied for the said post. They appeared in the screening test. According to the TPSC, it received 391 applications for the said post and 373 candidates were found eligible to appear in the screening test but finally only 271 candidates appeared in the screening test. The test was conducted by holding MCQ test and after conducting the test, the cut-off marks were fixed in accordance with the memorandum dated 10.3.2008. As per this memorandum, the cut-off marks to qualify in the screening test are 35 in case of General category candidates, 30 in case of Scheduled Caste candidates and 25 in case of Scheduled Tribe candidates. Only candidates who

obtained this minimum marks in the screening test are called for the interview.

[3] It is contended by Mr. C.S. Sinha, learned counsel for the petitioner that neither in the advertisement nor in any other communication prior to the screening test there was even a whisper about these cut-off marks. The memorandum of the TPSC was in existence prior to the issuance of the advertisement. It is not something which has been manufactured later on. This is a memorandum which has been in existence for more than 6 (six) years and therefore, it cannot be said that this memorandum cannot be applied.

[4] It is also contended by Mr. Sinha that the memorandum itself is illegal, void and irrational. In this regard we are not at all in agreement with Mr. Sinha. In any test which is conducted there have to be some cut-off marks. All the persons who appeared in the written test or the screening test cannot be called for the interview. Supposing thousands appeared in a written test, it does not mean that even a candidate who obtain '0' (zero) mark has to be called for the interview.

[5] We are clearly of the view that even if the memorandum was not in existence then also keeping in view the number of posts the TPSC would be well entitled to fix a cut-off mark to limit the number of people appearing in the interview. Supposing there is no memorandum of the type referred to by the TPSC and there are only 1 or 2 posts vacant but thousand people

qualify for the interview, it does not mean that thousand people have to be called. If the employer decides that the top 5 or 10 people only will be called in order of merit for the interview that is not an irrational or illegal decision. That is a decision which is in consonance with the principles of natural justice and also in consonance with the well settled principles of service law.

[6] We, therefore, find no merit in this petition which is, accordingly, dismissed.

No order as to costs.

JUDGE

CHIEF JUSTICE

Dipesh