

Party Name : DR. DEBASIS BEHERA Vs THE STATE OF TRIPURA & ORS

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THE HONBLE MR. JUSTICE S.C.DAS

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Heard learned counsel Mr. C. S. Sinha for the petitioner and learned Govt. Advocate, Mr. T. Dutta Majumder for the State-respondents.

The case is taken up for disposal at the admission stage itself.

The case of the petitioner is that he was appointed in the post of Assistant Professor in the Department of Veterinary Pathology, College of Veterinary Science & Animal Husbandry, R.K. Nagar under the Govt. of Tripura in the year 2011 on contract basis and thereafter he was appointed on regular basis in the post of Assistant Professor in the Department of Veterinary Pathology under the said College and he joined the post on 20.07.2012. Pursuant to an advertisement made by Orissa University of Agriculture and Technology, Bhubaneswar, he made an application on 19.11.2014 for the post of Asstt. Professor and his grievance is that his application has not been forwarded by the respondent authorities. By filing this writ petition, the petitioner prayed for directing the respondent authorities to forward his application.

The State-respondents by filing counter affidavit contended that there are only two Assistant Professors in the Department of Veterinary Pathology and if the petitioner leaves the job then the students will suffer and Department will be closed.

Learned counsel Mr. C.S. Sinha appearing for the petitioner submits that similar application of similarly situated other Assistant Professors were considered by the Department whereas the petitioner has been discriminated. He has also placed on record a copy of order dated 18.06.2014 passed by the Single Bench of this Court in WP(C) 227 of 2014 wherein it appears that a similar application of one petitioner Dr. Mridu Pavan Baishya was not forwarded but the Court directed the respondents to forward his application.

Learned counsel Mr. Sinha contended that the petitioner cannot be discriminated and his petition may be forwarded by the respondent authorities to the Orissa University of Agriculture and Technology for consideration so that the petitioner may face the interview.

He has also submitted that there is no rule to refuse such forwarding of application for a better job or better avenue. Learned counsel Mr. Sinha also contended that it is totally uncertain whether the petitioner will be selected or not and simply the petitioner will be able to face the interview if his petition is forwarded.

Learned G.A., on the other hand, has submitted that in case his application is forwarded by the authorities, there will be an obligation on the authorities to give him lien and in that case the post will be lying vacant and the students will suffer.

The issue is very simple. It is clear from the order passed by this Court in WP(C) 227 of 2014 that similar application of similarly situated persons were allowed to be forwarded. There is also no rule or regulation to refuse such forwarding of application of an in service person. So, the petitioner cannot be discriminated and I consider that petitioner's application also should be forwarded. However, it is made clear that it will be at the option of the respondents, in the greater public interest, whether they will grant lien to the petitioner or not in case the petitioner gets selection and likes to leave the present job.

Accordingly, it is hereby directed that the respondents shall forward the application of the petitioner forthwith.

With this observation & direction, the writ petition stands disposed of.