

THE HIGH COURT OF TRIPURA
AGARTALA

W.A. 47 OF 2014

Shri Sanjit Kumar Nath,
S/O. Late Satyendra Chandra Nath,
Of Village & PO-Ichailalcharra,
Dharmanagar,
District:-North Tripura.

..... **Appellant.**

- V e r s u s -

1. The State of Tripura,
Represented by the Secretary to the
Government of Tripura,
School Education Department,
Civil Secretariat,
Capital Complex, P.O. Kunjaban,
P.S. East Agartala,
District: West Tripura, Pin-799006.
2. The Director of School Education,
Government of Tripura, Agartala,
P.O. Agartala, P.S. West Agartala,
District: West Tripura.

..... **Respondents.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE U.B. SAHA

For the appellant	: Mr. A.K. Bhowmik, Sr. Advocate, Mr. R. Datta, Advocate.
For the respondents	: Ms. A.S. Lodh, Addl. G.A.
Date of hearing and delivery of judgment and order.	: 08.01.2015.
Whether fit for reporting	: NO.

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, C.J.)

This writ appeal is directed against the judgment dated 23-07-2013 passed by a learned Single Judge of this Court in WP(C) 480 of 2012 and other connected matters. It would be pertinent to mention that the learned Single Judge decided 7(seven) writ petitions by the common judgment. Six of the petitioners filed writ appeals being Writ Appeal Nos.37, 38, 39, 40, 41 and 44 of 2013 and these were allowed by the Division Bench of this Court on 10-04-2014 and the following directions were passed:-

“9. We are dealing herewith cases where under the same advertisements virtually identical conditions were laid down for two groups of applicants. If the subject combination is sacrosanct for one group how could relaxation be given to the other group? In this case though the candidates who had applied for the post of Assistant Teacher (Pure Science) did not also fulfill the required combination of subjects, they have been offered appointment but such benefit has not been given to the petitioners. Even after the learned single Judge asked the State to reconsider the matter the same has been rejected without giving any reason whatsoever. Even before us other than stating that the petitioners cannot claim equality because some wrong acts had been done nothing has been made out as to why the two groups should be treated differently. We are clearly of the view that when two groups like this are covered by similar situation then the State cannot follow the policy of pick and choose and give benefit to one group and deny similar benefit to the other.

10. In view of the above discussions, we allow the Writ Appeals and direct the State to give fresh offers

of appointments to all the appellants as Assistant Teachers B.Sc.(Bio) and Assistant Teacher B.Sc.(Pure) in the case of Md. S. M. Ramas Nabi within 6(six) months from today.”

2. As far as the present appellant is concerned, he did not file the writ appeal in time but the application for condoning delay has been allowed and now the petitioner-appellant is in an identical position like the appellants in Writ Appeal Nos.37, 38, 39, 40, 41 and 44 of 2013. Therefore, it is absolutely clear that the appellant must be given the same relief which was granted to the appellants in the said writ appeals.

3. As such, following the reasoning given in Writ Appeal Nos.37, 38, 39, 40, 41 and 44 of 2013 in judgment dated 10-04-2014, we allow the writ appeal and direct that the appellant shall be given fresh offer of appointment to the post of Assistant Teacher B.Sc.(Bio) within a period of 4(four) months from today.

4. With this direction, the writ appeal stands disposed of.

JUDGE

CHIEF JUSTICE