HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.617/2020

Smt. Tapati Debbarma

----Petitioner(s)

Versus

The State of Tripura & others

-----Respondent(s)

For Petitioner(s)	: Mr. Somik Deb, Advocate, Mr. Anujit Dey, Advocate.
For Respondent(s)	: Mr. Debalay Bhattacharjee, G.A.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

Order

03/12/2020

Notice for final disposal made returnable forthwith. Notice waived by learned Government Advocate appearing on advance copy.

Petitioner was appointed as teacher by the State of Tripura for its Government schools. Petitioner's service was under jeopardy on account of the judgment of Division Bench of this Court in case of ***Tanmoy Nath and others vrs. State of Tripura and others*** reported in ***(2014) 2 TLR 731***. In the years 2017/2018 the petitioner appeared and was selected on regular basis through fresh selection process. The question of her pay fixation pursuant to such appointment is involved in this petition.

Single Judge of this Court in case of ***Smt. Sangita Reang and others vrs. The State of Tripura and others*** in ***WP(C) No.295 of 2019*** and connected petitions in a judgment dated 29.01.2020 considered similar situation. Cases of teachers in the said group of cases were divided into 3(three) categories. It is undisputed that the case of the petitioner falls in Category-I in respect of which in the said judgment following observations and directions were made:

> "8. Factually, three different situations would arise and these petitions therefore would be bunched in such three broad categories. Category-I would be those cases where a teacher, who was previously selected and appointed on a particular post which selection and appointment was set aside by this Court in ***Tanmoy Nath (supra)*** is now through fresh selection process selected and appointed on the same post. Following petitions would fall in this category:
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> W.P. (C) No.1210 of 2019 and W.P. (C) No.1303 of 2019.
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> xxx xxx xxx
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> 12. With respect to Category-I, learned counsel drew my attention to an order of Division Bench of this Court in case of ***Sri Babul Debnath and others vs. The State of Tripura and others [W.P. (C) No.435/2018]*** dated 21.01.2019 in which similar issue had come up for consideration. The High Court had allowed the petition and protected the past service of the petitioners.

HIGH COURT OF TRIPURA
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30. Under the circumstances, petitions are disposed of with following directions:

(i) In case of Category-I cases, the petitioners shall receive full benefit of the past service for the purpose of seniority, pension and all other purposes.

xxx xxx xxx

31. This entire exercise of re-fixation of the pay of the petitioners shall be completed within a period of 3 (three) months from today. Available monetary benefits be released within a period of 2 (two) months thereafter."

Under the circumstances, this petition is also disposed of incorporating above quoted directions in the judgment in case of ***Smt. Sangita Reang*** (supra) with *mutatis mutandis* modifications in the timelines provided in the concluding portion of the judgment.

Pending application(s), if any, also stands disposed of.

(AKIL KURESHI), CJ

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HIGH COURT OF TRIPURA