HIGH COURT OF TRIPURA
AGARTALA

(1) WP(C) 473 OF 2017

1.Sri Udai Debbarma,
S/o Hachukrai Debbarma of Vill & P.O. Samukcherra,
P.S.Kakraban, Gomati Tripura.

2.Sri Renuka Jamatia, D/o Sri Rajani Kanta Jamatia,
Vill. Hadrai, P.O. Hadrai, P.S. R.K.Pur, Udaipur, Gomati Tripura.

3.Sri Gobinda Bashi Jamatia, S/o lt. Gobinda Kumar Jamatia of
Vill & P.O. Bagabasa, P.S. Melaghar, District- Sepahijala, Tripura.

4.Sri Nirmalendu Jamatia, S/o Sri Chandra Hangsha Jamatia of
Tutabari, P.O. Garjanmura, P.S. Kakraban, District-Gomati Tripura.

5.Sri Pranoy Debbarma, S/o lt. Jyotilal Debbarma of Vill & P.O.
Samukcherra, P.S. Kakraban, Gomati Tripura.

6.Sri Radhakrishna Debbarma, S/o Sambhu Charan Debbarma of
Joyram Modi Para, P.O. Lembucherra, P.S. Airport, District-West
Tripura.

7.Sri Lamaku Debbarma, W/o Sri Ranjit Debbarma, D/o lt. Chandra
Shekhar Debbarma of Sarbajoy Para, P.O. & P.S. Lefunga, West
Tripura.

8.Sri Rabi Charan Debbarma, S/o Sri Suku Chandra Debbarma of
Vill Sambhu Sardar Para, P.O. Noabadi, P.S. Jirania, West Tripura.

9.Sri Santosh Debbarma, S/o lt. Sriram Debbarma of North
Maharani Pur, P.O. & P.S. Kalyanpur, District-Khowai.

10.Sri Jiten @ Jitendra Debbarma, S/o Sri Arjun Debbarma of
Vill. Khutamara, P.O. Birendranagar, P.S. Jirania, West Tripura.

11.Smti. Chandra Laxmi Debbarma, D/o lt. Chitta Lal Debbarma of
Durga Choudhury Para, P.O. Khasnoagaon, P.S. Ranirbazar,
West Tripura.

---Petitioner(s)

Versus

1. The State of Tripura,
   represented by the Secretary-Cum- Commissioner,
   Department of Education,
   Govt. of Tripura, Secretariat Building,Agartala, West Tripura.

2. The Director of Elementary Education, Education Directorate, Government of Tripura, Agartala, West Tripura.

3. The Director of School Education, Government of Tripura.

----Respondent(s)

(2) WP(C) 1376 OF 2017

Smti. Nanda Rani Debbarma, D/o lt. Chhatrajit Debbarma, C/o Anurupa Mukherjee of 9/4 Krishnanagar, Advisor Chowmuhuni, P.O. Agartala, West Tripura.

---Petitioner(s)

Versus

1. The State of Tripura,
represented by the Secretary-Cum- Commissioner,
Department of Education,
Govt. of Tripura, Secretariat Building, Agartala, West Tripura.

2. The Director of Elementary Education, Education Directorate, Government of Tripura, Agartala, West Tripura.

3. The Director of School Education, Government of Tripura.

----Respondent(s)

(3) WP(C) 1470 OF 2017

Smti. Anjali Debbarma, D/o Buddha Debbarma,
Chaygaria, P.O. Ashigarh, P.S. Jirania, West Tripura.

---Petitioner(s)

Versus

1. The State of Tripura,
represented by the Secretary-Cum- Commissioner,
Department of Education,
Govt. of Tripura, Secretariat Building, Agartala, West Tripura.

2. The Director of Elementary Education, Education Directorate, Government of Tripura, Agartala, West Tripura.

3. The Director of School Education,Education Directorate, Government of Tripura, Agartala, West Tripura.

----Respondent(s)

(4) WP(C) 1623 OF 2017

Sri Dhambajoy Uchai,S/o Sri Sadhan Uchai of
Satraifang, P.O. Chellagang, P.S. Natun Bazar,
Amarpur, West Tripura.

---Petitioner(s)

Versus

1. The State of Tripura,
   represented by the Secretary-Cum- Commissioner,
   Department of Education,
   Govt. of Tripura, Secretariat Building, Agartala, West Tripura.

2. The Director of Elementary Education, Education Directorate,
   Government of Tripura, Agartala, West Tripura.

3. The Director of School Education,Education Directorate,
   Government of Tripura, Agartala, West Tripura.

----Respondent(s)

For the Petitioner(s)	:	Ms. R. Purkayastha, Advocate.
For the Respondent(s)	:	Mr. M. Debbarma, Addl. G.A.
Date of hearing and delivery of judgment and order	:	**27.02.2020.**
Whether fit for reporting	:	NO

HON'BLE MR.JUSTICE ARINDAM LODH

Judgment & Order (Oral)

This bunch of writ petitions are taken up together for hearing and decision since similar and identical facts and law are involved.

2. In this bunch of writ petitions the petitioners have prayed for regularizing their service with effect from their respective dates of joining into service in the year 1993 and also challenged the nature of their appointments as temporary

Kok-Borok Teachers for a period of one year with effect from the dates of their joining vide Momorandum dated 21.11.2016 [*Annexure-D to the Writ Petition No.473 of 2017, Sri Udai Debbarma & Ors. V. The State of Tripurra & Ors.*] issued by the respondent No.2; Memorandum dated 08.08.2017 [*Annexure D to the Writ Petition No.1376 of 2017, Smt. Nandarani Debbarma V. The State of Tripura & Ors.]; [Annexure-D to the Writ Petition No.1470 of 2017, Smt. Anjali Debbarma V. The State of Tripura & Ors.] & [Annexure-D to the Writ Petition No.1623 of 2017, Sri Dhambajoy Uchai V. The State of Tripura & Ors.]* respectively.

3. Brief facts of the case are as under:

The petitioners were first appointed as Kok-Borok Teacher following the established norms of public employment in the year 1993, but, all on a sudden the petitioners were asked not to attend their respective duties as Kok-Borok Teachers w.e.f. 24.03.1995. One Harish Ch. Reang, Kok-Borok Teacher having circumstanced similarly situated as that of the petitioners challenged the said decision of the State-respondents by filing a Civil Rule No.331/1996 before the then Gauhati High Court, Agartala Bench, Agartala for quashing the same on the ground of forged offer of appointment and the matter was needed to be enquired into by the Vigilance. Since then they had waited for about 20

years. However, said Harish Chandra Reang had filed a writ petition before the then Gauhati High Court, Agartala Bench vide WP(C) No.174/2008 and during pendency of the said writ petition by Memo dated 25.07.2008, issued by the respondent No.3, said Harish Ch. Reang was allowed to join in his original place of posting and his pay and allowances were also regularized. On this basis, another similarly situated Kok-Borok teacher namely, Sri Jayata Debbarma, had also approached this Court by filing a writ petition being WP(C) No. 7/2009 wherein this Court had passed a direction at Para 19 as under:

> *"[19] However, as the petitioner did not discharge his duties after dis-continuation vide memorandum dated 24.03.1995, it would not be proper for this Court to allow him the back salaries particularly when he filed his writ petition after 14 years."*

4. In view of the aforesaid order, the petitioner Jayanta Debbarma had preferred a writ appeal being WA No.107 of 2016 and a Division Bench of this Court vide order dated 24.06.2019 disposed of the appeal with a direction to submit representation to the concerned authority and the State-respondents would decide the same in accordance with law within a period of three months thereof with liberty to the appellant to approach this Court if he is aggrieved.

5. I have given my thoughtful consideration to the reliefs claimed by the petitioners in this bunch of writ petitions

and in my opinion, the petitioners are not entitled to get full back wages for the period for which they did not work. However, the State-respondents are directed to fix the pay scale of the petitioner notionally for the purpose of determination of retiral benefits of the petitioners. The petitioners are also entitled to get similar pay scales as provided to the similarly situated person like Jayanta Debbarma w.e.f. their respective dates of joining into service in the year 2016. As it is submitted that the petitioners had discharged their duties w.e.f. 01.01.1993 to 24.03.1995, but they were not paid salary for that period, in this situation, I direct the State-respondents to make payment of all arrears of salaries the petitioners are entitled to for the said period of rendering service.

6. With the aforesaid observation and direction, the writ petitions are allowed and disposed of accordingly.

JUDGE

HIGH COURT OF TRIPURA
सत्यमेव जयते