

31st January, 2022
(D/L No.12)
(SKB)

WPA 16588 of 2021
(Via video conference)

Aryan Education & Research Institute and another
Vs.
Government of Tripura & Ors.

Mr. Abhijit Chakraborty
... for the petitioners.

Mr. Samrat Chaudhury,
Mr. Soumya Kanti Nag
... for the Government of Tripura.

The dispute in the writ petition is against a Record Note dated 27th April, 2021 passed by the Additional Secretary and Director, Tribal Welfare Department, Government of Tripura. The Record Note is pursuant to a direction given by a coordinate Bench on 4th February, 2021 on the respondent no.1 to grant an opportunity of hearing to the petitioners. The respondent no.1 is the Tribal Welfare Department, Government of Tripura.

It appears from the documents shown to the court that a Memorandum of Understanding (MoU) was entered into between the Government of Tripura and the petitioners on 28th November, 2018 under which the former would make certain payments to the petitioners based on the performance of the students sponsored by the Government of Tripura to the petitioners' Institute.

Learned counsel appearing for the Government of Tripura has relied on a notification dated 21st August, 2020 by which the students were not permitted to avail all the double benefits, namely, sponsorship from the Government of Tripura as well as scholarship through the National Scholarship Portal (NSP).

It, however, appears that the Record Note, which has been impugned in the present proceeding, does not mention this notification although much importance has been given to it. The decision in paragraph 4 of the Record Note that the petitioners should issue a fresh notice to the students who have not cleared their dues and fixing a timeframe for such does not enure to the benefit of the petitioners, particularly, where the Government of Tripura has entered into a MoU with the petitioners. Admittedly, the money agreed to be paid to the petitioners under the MoU has not been paid.

After considering all the relevant documents, the writ petition is disposed of with a direction on the respondent no.1 to give a fresh hearing to all the interested parties including the petitioners as well as the students who have enrolled with the petitioners under the MoU and pass a fresh reasoned order. The reasoned order should be passed within a period of four weeks from the date of communication of this order. It is submitted that all the students are residing in Tripura, which should not pose a logistical problem. The copy of the reasoned order should be made available to the petitioners within a week from the date on which the reasoned order is passed.

W.P.A. 16588 of 2021 is disposed of in terms of the above.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)