



**HIGH COURT OF TRIPURA  
AGARTALA**

**WA No.43 of 2025**

Dr. Rajat Ghosh, S/o Late Hara Mohan Ghosh, resident of South Dhaleswar, near AOC, Lane No.5, P.O. Agartala College, Jogendranagar, PS- East Agartala, District- West Tripura, PIN-799004

.....Appellant(s);

Versus

1. Tripura University (A Central University), represented by its Registrar, having his office at Suryamaninagar, PO- Suryamaninagar, P.S. Amtali, Agartala, District- West Tripura, PIN-799022

2. The Registrar, Tripura University, having his office at Suryamaninagar, P.O. Suryamaninagar, P.S. Amtali, Agartala, District- West Tripura, PIN-799022

3. The Vice-Chancellor, Tripura University (Chairman of Selection Committee), having his office at Suryamaninagar, PO- Suryamaninagar, P.S. Amtali, Agartala, District- Tripura, PIN-799022

4. The Chairman of Scrutiny Committee, Tripura University, Suryamaninagar, PO- Suryamaninagar, PS- Amtali, Agartala, District- Tripura, PIN-799022, [Notice to be served by Respondent No.3, i.e., the Vice-Chancellor, Tripura University]

5. The Dean, Faculty of Science, Tripura University, Suryamaninagar, PO- Suryamaninagar, PS- Amtali, Agartala, District- Tripura, PIN-799022

6. The University Grants Commission (UGC), represented by its Secretary, Bahadur Shah Zafar Marg, New Delhi-110002

.....Official Respondent(s)

7. Dr. Jagdish Kumar Sahu, Associate Professor, Department of Pharmacy, Tripura University, Suryamaninagar, PO- Suryamaninagar, PS- Amtali, Agartala, District- Tripura, PIN-799022

.....Private Respondent(s)

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For Appellant(s) : Mr. P. Roy Barman, Sr. Advocate,  
Mr. Samarjit Bhattacharjee, Advocate,  
Mr. Kawsik Nath, Advocate,  
Mr. Dipjyoti Paul, Advocate.

For Respondent(s) : Mr. B.P. Sahu, Sr. Advocate,  
Mr. Suman Bhattacharjee, Advocate,  
Mr. Kausik Paul, Advocate,  
Ms. Uttara Singha, Advocate,  
Ms. H. Kunjeshori Devi, Advocate,  
Ms. Loha Liriina, Advocate.

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**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO  
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Date of hearing : 22.04.2026, 23.04.2026 & 27.04.2026

Date of Judgment & Order: 14.05.2026

Whether Fit for Reporting : YES

**JUDGMENT & ORDER**

*(M.S. Ramachandra Rao, C.J.)*

1) This Writ Appeal is preferred by the appellant challenging the judgment dt.18.03.2025 in WP(C) No.243/2024 of the learned Single Judge.

**Background Facts:**

2) The Tripura University [first respondent], a Central University, had issued an advertisement on 19.07.2023 for the post of Associate Professor in the Department of Pharmacy, which post was reserved for Other Backward Classes (Non-Creamy Layer) [OBC-NCL] category of candidates.

3) The appellant as well as respondent No.7 both applied for the said post.

4) The advertisement stated that the eligibility of the candidates has to be fulfilled on or before the last date of submission of application i.e. 24.08.2023 [Clause 3].

5) It also stated that applications for the posts reserved for OBC/SC/ST, etc. shall be supported by valid/updated certificate in a Government of India prescribed format duly issued by the competent authority [Clause 13].

6) The date of interview of candidates for the said post was fixed by respondent No.1 as 20.11.2023.



- 7) Respondent No.7 was selected for the said post of Associate Professor in the Department of Pharmacy, and the appellant was not selected.
- 8) The appellant filed the said Writ Petition contending that respondent No.7 had no valid/updated OBC-NCL Certificate as per requisite prescribed format of the Government of India, and he had produced the said certificate issued by the competent authority on 12.12.2023, long after the cut-off date of 24.08.2023, and therefore respondent No.7 could not have been selected for the said post by the other respondents in the interview held on 20.11.2023 and issued appointment order dt.20.11.2023, and the said appointment of respondent No.7 ought to be set aside on that ground.
- 9) The respondents No.1 to 4 filed a Counter Affidavit in the Writ Petition opposing the plea of the appellant.
- 10) They contended that respondent No.7, while uploading his candidature to prove his suitability as an OBC candidate, had annexed his OBC Certificate dt.13.08.2015 issued by the Sub-Divisional Officer, Gwalior District, Madhya Pradesh; as per advertisement, all shortlisted candidates including respondent No.7 were called for interview; and after the interview and verification of documents, respondents No.1 to 4 selected respondent No.7 on 20.11.2023 as Associate Professor (Pharmacy) in the available OBC-NCL position, and he had joined the said post also.
- 11) It is further contended that income certificate issued on 08.06.2023 to the respondent No.7 was also produced by him during the document verification before the personal interview was held on 20.11.2023, and both the said documents had been uploaded by him during the online application process.



12) Respondent No.7 also filed a Counter Affidavit before the learned Single Judge asserting that he uploaded his OBC Certificate dt.13.08.2015 issued to him by the Sub-Divisional Officer, Revenue Tehsil Gird, District- Gwalior, Madhya Pradesh and also income certificate issued by the Tehsildar, Gwalior dt.08.06.2023, and only thereafter call letter dt.09.11.2023 was issued to him asking him to appear before the Interview Board on 20.11.2023, and he then appeared and got selected after his documents were verified.

13) He contended that in the appointment letter dt.20.11.2023 issued to him, the University had asked him to submit various documents including Caste Certificate issued by competent authority, and so he obtained the updated Caste Certificate of OBC dt.12.12.2023, which was issued in furtherance of the OBC Certificate dt.13.08.2015, which was accepted.

14) He contended that he could not have been deprived of employment in the above circumstances by respondents No.1 to 4.

**The Judgment of the learned Single Judge:**

15) By judgment dt.18.03.2025, the learned Single Judge dismissed the Writ Petition.

16) After referring to the contentions of the parties, the learned Single Judge referred to an Office Memorandum dt.08.10.2015 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India which contained instructions on verification of claims of candidates belonging to Scheduled Caste (SC), Scheduled Tribe (ST) and Other Backward Classes (OBC) for the purpose of appointment to posts/services.



17) The said Office Memorandum stated in Paragraph 4 thereof that in the situation where a candidate belonging to a Scheduled Caste, Scheduled Tribe and Other Backward Classes is unable to produce a certificate from any of the prescribed authorities, he/she may be appointed provisionally on the basis of whatever *prima facie* proof he/she is able to produce in support of his/her claim subject to his/her furnishing the prescribed certificate within a reasonable time, and if there is genuine difficulty in his/her obtaining a certificate, the appointing authority should itself verify his/her claim through the District Magistrate concerned.

18) The learned Single Judge therefore concluded that a candidate aspiring to participate in a selection process, is therefore not mandatorily required to produce his/her valid/updated Cast Certificate at the time of submission of his/her application, but he/she should furnish a document which can *prima facie* prove that he/she belongs to a particular caste, and that such candidate can be appointed provisionally subject to furnishing his/her Cast Certificate within a reasonable time.

19) The learned Single Judge therefore concluded that the respondent No.7, consistent with the Office Memorandum dt.08.10.2015, furnished his valid/updated OBC-NCL Certificate dt.12.12.2023 before respondents No.1 to 4, which certificate had been issued by the competent authority in continuation/furtherance of the certificate dt.13.08.2015 already issued in his favour; and being satisfied with the said certificate, the University rightly selected him and issued appointment letter in his favour for the post of Associate Professor.



20) The learned Single Judge also held that the requirement of placing an OBC-NCL Certificate before authorities concerned, is fundamentally different from a technical/academic qualification; and that an OBC-NCL Certificate is mere evidence of a fact which already exists, while a technical/academic qualification certificate refers to the acquisition of qualification.

21) He also held that the cut-off date for production of the OBC-NCL Certificate has to be construed in a manner favourable to a candidate, and not to nullify a fundamental right merely because the said certificate was being submitted after the expiry of the cut-off date.

22) He therefore held that failure to produce the said certificate on the part of respondent No.7 at the time of submission of his application to the University should not be treated as fatal, stopping a candidate from participating in the selection process.

23) He concluded that respondent No.7 is already having an OBC-NCL Certificate dt.13.08.2015, which proved *prima facie* that he belongs to the said reserved category, but he could not produce the updated certificate at the time of submission of application to participate in the selection process of Associate Professor in Pharmacy in response to the advertisement issued by the University. But this failure on his part, cannot affect his selection.

24) He held that the instructions in the Office Memorandum dt.08.10.2015 permit a candidate to submit his/her OBC-NCL Certificate even after the cut-off date and even at the time of his joining, if selected to the post advertised.



25) According to the learned Single Judge, non-acceptance of such certificate at a belated stage, would be contrary to the instructions contained in the Office Memorandum dt.08.10.2015, and would have been arbitrary.

26) He also held that the object of conducting written examination and viva voce in respect of appointment is with the object that the most meritorious candidate in the field gets selected and respondents No.1 to 4 had not committed any error in accepting candidature of respondent no.7, and appointing him as Associate Professor (Pharmacy) under them.

27) Challenging the same, this Appeal is filed.

**Submission of Counsel for the Appellant:**

28) Counsel for the appellant contended that the learned Single Judge has committed a grave error in upholding the appointment of respondent No.7 as Associate Professor in Pharmacy in the OBC-NCL category in spite of the fact that respondent No.7 had not produced the OBC-NCL updated certificate at the time of submission of his application or before the last date for submission of application i.e. 24.08.2023, or even by the date of the interview on 20.11.2023.

**Submission of Counsel for the respondents:**

29) Counsel for the respondents refuted the said contentions and supported the judgment of the learned Single Judge.

**Consideration by the Court:**

30) The Tripura University is a Central University, and directives of the Government of India such as the directive contained in the Office Memorandum dt.08.10.2015 issued by the Department of Personnel and



Training, Ministry of Personnel, Public Grievances and Pensions, Government of India would therefore apply to it.

31) The Office Memorandum dt.08.10.2015 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India contained instructions on verification of claims of candidates belonging to Scheduled Caste (SC), Scheduled Tribe (ST) and Other Backward Classes (OBC) for the purpose of appointment to posts/services.

32) The said Office Memorandum stated in Paragraph 4 thereof that in the situation where a candidate belonging to a Scheduled Caste, Scheduled Tribe and Other Backward Classes is unable to produce a certificate from any of the prescribed authorities, he/she may be appointed provisionally on the basis of whatever *prima facie* proof he/she is able to produce in support of his/her claim subject to his/her furnishing the prescribed certificate within a reasonable time, and if there is genuine difficulty in his/her obtaining a certificate, the appointing authority should itself verify his/her claim through the District Magistrate concerned.

33) During the course of hearing of the Appeal, the respondents have produced a similar Office Memorandum issued by the same department on 29.03.2023 reiterating what was contained in the Office Memorandum dt.08.10.2015.

34) The said Office memorandum dt.29.03.2023 also states that where a candidate belonging to SC, ST and OBC is unable to produce a certificate from any of the prescribed authorities, he/she may be appointed provisionally on the basis of whatever *prima facie* proof he/she is able to



produce in support of his/her claim subject to his/her furnishing the prescribed certificate within a reasonable time and if there is genuine difficulty in his/her obtaining a certificate, the appointing authority should itself verify his/her claim through the District Authorities concerned.

35) The counsel for the appellant however placed reliance on certain judgments of the Supreme Court, in particular the judgment in *Sakshi Arha v. Rajasthan High Court & Others*<sup>1</sup> and also in *Divya v. Union of India & Others*<sup>2</sup>.

36) No doubt the judgment in *Sakshi Arha* (1 supra) specifically deals with OBC-NCL Certificate and holds that it cannot be produced by a candidate beyond the cut-off date.

37) But, the Office Memorandums dt.08.10.2015 and dt.29.03.2023 of the Government of India quoted above, do not apply to the post of Civil Judge cadre being made as per the Rajasthan Judicial Service Rules, 2010 which was considered in *Sakshi Arha* (1 supra).

38) The said judgment therefore has no application to the instant fact situation where the Tripura University is a Central University, and the Office Memorandums issued by the Government of India dt.08.10.2015 and dt.29.03.2023 hold the field, and permit production of caste certificate at a later date in spite of the advertisement saying that it should be produced before the cut-off date for submission of the application form.

39) The other judgment in *Divya* (2 supra) does not deal with OBC-NCL Certificate, but deals with claim for Economically Weaker Section (EWS) Category, for which these Office Memorandums have no application,

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<sup>1</sup> AIR 2025 SC 2232

<sup>2</sup> (2024) 1 SCC 448



as they would apply only to SC, ST and OBC categories. So, even that judgment has no application to the instant fact situation.

40) We therefore do not agree with the contention of the counsel for the appellant that since respondent No.7 did not produce the OBC-NCL updated certificate before 24.08.2023, his appointment has to be set aside.

41) We agree with the reasoning of the learned Single Judge in all respects, and uphold the view taken by the learned Single Judge.

42) We also do not think it is necessary to deal with all the other judgments cited by the counsel for the appellant in view of the Office Memorandums issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India referred to above in the judgment, which are binding on the respondents and which they have applied in the impugned selection process.

43) The Appeal accordingly fails, and is dismissed. No costs.

44) Pending application(s), if any, shall stand disposed of.

**(BISWAJIT PALIT, J)**

**(M.S. RAMACHANDRA RAO, CJ)**

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