



**HIGH COURT OF TRIPURA
AGARTALA**

W.A. No.32/2026

Justice (Retired) Alok Baran Pal, Son of Late Dina Nath Pal, resident of 293, T.G. Road, Krishnanagar, Agartala, P.O.-Agartala, P.S.-West Agartala, District-West Tripura, PIN-799001.

..... Appellant(s).

V E R S U S

1. The State of Tripura, represented by the Chief Secretary, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, PIN-799010.

2. The Secretary, Higher Education, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, West Tripura, PIN-799010.

3. The Director, Higher Education, Government of Tripura, Office Lane, Agartala, West Tripura, Pin-799001.

.....Respondent(s).

For Appellant(s)	: Mr. Somik Deb, Sr. Advocate, Mr. Saugat Datta, Advocate.
For Respondent(s)	: Mr. Mangal Debbarma, Addl. G.A.

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

Date of hearing & judgment : **02.09.2026.**

Whether fit for reporting : **NO.**

JUDGMENT & ORDER (ORAL)

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

Heard Mr. Somik Deb, learned Senior Counsel assisted by Mr. Saugat Datta, counsel appearing for the appellant and Mr. Mangal Debbarma, Addl. Government Advocate appearing for the respondents.

2. This Writ Appeal is filed challenging the judgment dt.16.05.2025 in WP(C) No.253 of 2025 of the learned Single Judge.

3. The appellant had filed the said Writ Petition contending that he was a retired High Court Judge and he had been made a Member on 10.06.2010 of the Committee constituted by the State Government for



determination of the fee structure in respect of private technical institutions in the State of Tripura as its Chairman. He contends that after the said appointment as Member of the Committee on 10.06.2010, he was not given any staff or infrastructure and he was also not given any remuneration.

4. In the Writ Petition, the prayer is for payment of remuneration to him for holding the post of Chairman of the Private Technical Institutions Fee Structure Regulatory Committee w.e.f. 01.12.2018.

5. According to the petitioner, till the said date of 01.12.2018, he was holding some other office and so, he is not claiming any remuneration for the period prior to 01.12.2018.

6. The respondents unfortunately had rejected his claim for remuneration on 06.05.2023.

7. When he filed the Writ Petition, the learned Single Judge dismissed the Writ Petition holding, *inter alia*, that though the appellant's appointment was possibly related to the judgment of the Supreme Court in ***Islamic Academy of Education and another v. State of Karnataka and others***¹, on the basis of which the memorandum dt.10.06.2010 was issued, subsequently Justice Jayanta Kumar Biswas replaced him from 15.02.2016, and thereafter it was felt that the services of the appellant were not necessary. Learned Single Judge held that merely because the committee was not reconstituted and it did not come into effect, the earlier committee of which the appellant was Chairman, cannot be said to exist and cannot also be said that the appellant is entitled for remuneration. According to the learned Single Judge, the proceeding dt.10.06.2010 shows that the assignment was given to

¹ (2003) 6 SCC 697



the appellant on honorary basis and that it was not a regular appointment governed by Service Rules and on the day Justice Jayanta Kumar Biswas had given his willingness, the appellant ceased to exist as Chairman.

8. Challenging the said judgment, this Writ Appeal is filed.

9. Counsel for the appellant contended that the learned Single Judge erred in denying reliefs to the appellant, who was a retired Judge of the High Court, and who had been admittedly appointed on 10.06.2010 by a proceeding issued by the State Government after approval of His Excellency the Governor as Chairman of the Committee for determination of fee structure in respect of Private Technical Institutions in the State of Tripura. He also contended that the learned Single Judge erred in holding that when Justice Jayanta Kumar Biswas had given his willingness to replace the appellant as Chairman on 15.02.2016, the appellant automatically stood replaced. According to the counsel for the appellant, there is no notification for reconstitution of the said committee with Justice Jayanta Kumar Biswas as the Chairman.

10. Learned Addl. Government Advocate supported the judgment of the learned Single Judge.

11. We have noted the submissions of both sides and also perused the record.

12. There is no pleading in the Writ Petition filed by the appellant that the appellant had in any of the academic years starting from 10.06.2010 till 1.12.2018 invited applications from private technical institutions proposing to fix the fee for the following academic year and has conducted any exercise for determination of such a fee structure. Merely because the said committee



apparently was constituted on 10.06.2010, the appellant cannot claim remuneration when he had not turned out any work.

13. It is unfortunate that while accepting his appointment as Chairman of the said committee, the appellant had not thought it fit to ascertain the terms and conditions of such appointment including the remuneration for discharging services as a Chairman of the committee. May be he thought it fit not to claim such remuneration as long as he was being paid remuneration for discharging other duties till 2018.

14. The mere fact that Justice Jayanta Kumar Biswas had given his willingness on 15.02.2016 to be Chairman of the pre-regulatory committee does not *ipso facto* reconstitute the said committee without a notification being issued in that regard by the State Government.

15. But the fact remains that without determining the fee structure for private technical institutions in any academic year, the appellant cannot justifiably claim remuneration for the said period.

16. Therefore, we are not inclined to grant any relief to the appellant in this Writ Appeal.

17. However, we are distressed that the State Government has taken the question of implementing the judgment of the Supreme Court in the case of ***Islamic Academy of Education*** (supra) casually and had merely constituting the Fee Regulatory Committee on paper, without actually making it operational by framing rules for remuneration, staff etc. Thereby it is allowing private technical institutions in the State of Tripura to demand and collect fee for technical courses as per their whims and fancies without any regulation.



18. In paragraphs-16, 19 and 20 of the said judgment, the Supreme Court has held as under:

“16. That brings us to the question as to how the management of both minority and non-minority professional colleges can admit students in the quota allotted to them. Undoubtedly the majority judgment has kept in mind the sad reality that there are a large number of professional colleges which indulge in profiteering and/or charging of capitation fees. It is for this reason that the majority judgment provides that in professional colleges admission must be on the basis of merit. As has been rightly submitted, it is impossible to control profiteering/charging of capitation fees unless it is ensured that admission is on the basis of merit. Also, as has been rightly pointed out, if a student is required to appear at more than one entrance test it would lead to great hardship. The application fees charged by each institute, even though they may be only Rs.500 to Rs.1000 for each institute, would impose a heavy burden on the students who will necessarily have to apply to a number of colleges. Further, as has been rightly pointed out, students would have to arrange for transport from and to and stay at various places if they have to appear for individual tests conducted by each college. If a student has to go for test to each institute it is possible that he/she may not be able to reach, in time, the venue of a test of a particular institute. In our view what is necessary is a practical approach keeping in mind the need for a merit-based selection. Paragraph 68 provides that admission by the management can be by a common entrance test held by "itself or by the State/University". The words "common entrance test" clearly indicate that each institute cannot hold a separate test. We thus hold that the management could select students, of their quota, either on the basis of the common entrance test conducted by the State or on the basis of a common entrance test to be conducted by an association of all colleges of a particular



type in that State e.g. medical, engineering or technical etc. The common entrance test, held by the association, must be for admission to all colleges of that type in the State. The option of choosing, between either of these tests, must be exercised before issuing of prospectus and after intimation to the concerned authority and the Committee set up hereinafter. If any professional college chooses not to admit from the common entrance test conducted by the association then that college must necessarily admit from the common entrance test conducted by the State. After holding the common entrance test and declaration of results the merit list will immediately be placed on the notice-board of all colleges which have chosen to admit as per this test. A copy of the merit list will also be forthwith sent to the concerned authority and the Committee. Selection of students must then be strictly on the basis of merit as per that merit list. Of course, as indicated earlier, minority colleges will be entitled to fill up their quota with their own students on the basis of inter se merit amongst those students. The list of students admitted, along with the rank number obtained by the student, the fees collected and all such particulars and details as may be required by the concerned authority or the Committee must be submitted to them forthwith. The question paper and the answer papers must be preserved for such period as the concerned authority or Committee may indicate. If it is found that any student has been admitted de hors merit, penalty can be imposed on that institute and in appropriate cases recognition/affiliation may also be withdrawn.

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19. We now direct that the respective State Governments do appoint a permanent Committee which will ensure that the tests conducted by the association of colleges to fair and transparent. For each State a separate Committee shall be formed. The Committee would be headed by a retired Judge of



the High Court. The Judge is to be nominated by the Chief Justice of that State. The other member, to be nominated by the Judge, would be a doctor or an engineer of eminence (depending on whether the institution is medical or engineering/technical). The Secretary of the State in charge of Medical or Technical Education, as the case may be, shall also be a member and act as the Secretary of the Committee. The Committee will be free to nominate/co-opt an independent person of repute in the field of education as well as one of the Vice-Chancellors of the University in that State so that the total number of persons on the Committee do not exceed five. The Committee shall have powers to oversee the tests to be conducted by the association. This would include the power to call for the proposed question paper(s), to know the names of the paper-setters and examiners and to check the method adopted to ensure papers are not leaked. The Committee shall supervise and ensure that the test is conducted in a fair and transparent manner. The Committee shall have the power to permit an institution, which has been established and which has been permitted to adopt its own admission procedure for the last, at least, 25 years, to adopt its own admission procedure and if the Committee feels that the needs of such an institute are genuine, to admit, students of their community, in excess of the quota allotted to them by the State Government. Before exempting any institute or varying in percentage of quota fixed by the State, the State Government must be heard before the Committee. It is clarified that different percentage of quota for students to be admitted by the management in each minority or non-minority unaided professional college(s) shall be separately fixed on the basis of their need by the respective State Governments and in case of any dispute as regards fixation of percentage of quota, it will be open to the management to approach the Committee. It is also clarified that no institute, which has not been established and



which has not followed its own admission procedure for the last, at least, 25 years, shall be permitted to apply for or be granted exemption from admitting students in the manner set out hereinabove.

20. Our direction for setting up two sets of Committees in the States has been passed under Article 142 of the Constitution of India which shall remain in force till appropriate legislation is enacted by Parliament. The expenses incurred on the setting up of such Committees shall be borne by each State. The infrastructural needs and provision for allowance and remuneration of the Chairman and other members of the Committee shall also be borne by the respective State Government.”

19. Instead of implementing the above Supreme Court judgment in the spirit in which it has been delivered, for almost 23 years the State Government has ignored the same by just constituting the Technical Institutions Fee regulatory committee on paper without making it to function thus enabling such institutions to demand and collect fee for technical courses without any regulation.

20. Therefore, a direction is issued to the State Government to forthwith constitute the Technical Institutions Fee regulatory committee as directed in the above Supreme Court judgment in ***Islamic Academy of Education*** (supra), fix the remuneration and other conditions of service to its Chairman and members such as leave etc., provide staff and infrastructure to the said committee, and thus make it functional so that the said judgment of the Supreme Court is implemented in letter and spirit.

This exercise shall be completed within one month from the date of receipt of a copy of this order by the respondents.



21. Writ Appeal is disposed of with above directions.

Pending application, if any, also stands disposed of.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)



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