HIGH COURT OF TRIPURA
AGARTALA

W.P.(C) No.345 of 2024

Sri Nayan Kumar Dhar,
Son of Sri Dilip Kumar Dhar,
Resident of New Town, near Bazar India,
P.S. R K Pur, Tripura, Pin 799120 (Age-45 years)

.....Petitioner(s)

Versus

1. The State of Tripura,
(To be represented by) the Secretary,
Department of Labour, Government of Tripura,
New Secretariat Building, New Capital Complex,
Kunjaban, P.S.- New Capital Complex, Agartala,
West Tripura, Pin 799010.

2. The Secretary, Department of Labour,
Government of Tripura, New Secretariat Building,
New Capital Complex, Kunjaban, P.S.- New Capital Complex,
Agartala, West Tripura, Pin 799010.

3. The Secretary, Department of Agriculture,
Government of Tripura, New Secretariat Building,
New Capital Complex, Kunjaban, P.S.- New Capital Complex,
Agartala, West Tripura, Pin 799010.

4. The Director of Employment Services & Manpower Planning, Tripura,
Directorate of Employment Services & Manpower Planning,
Agartala, West Tripura, Pin 799001.

5. The Chairman, Joint Recruitment Board, Tripura,
Shram Bhavan, Office Lane, Agartala,
West Tripura, Pin 799001.

6. The Member Secretary, Joint Recruitment Board, Tripura,
Sharm Bhavan, Office Lane, Agartala,
West Tripura, Pin 799001.

7. The Controller, Joint Recruitment Board, Tripura,
Shram Bhavan, Office Lane, Agartala,
West Tripura, Pin 799001.

.....Respondent(s)

For Petitioner(s)	:	Mr. Dipjyoti Paul, Adv.
For Respondent(s)	:	Mr. Mangal Debbarma, Addl. G.A., Mr. Promod Sahu, Adv.
Date of Hearing	:	03.10.2026

Date of delivery of Judgment and Order : 14.10.2026

Whether fit for Reporting : YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

This writ petition is filed by the petitioner seeking the following reliefs:

> **(i) Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order/direction shall not be issued whereby directing the Respondents to recommend the name of the Petitioner against the post of Lower Division Clerk/Agri. Assistant (TAFS Grade-III)/Agri. Assistant (Except TAFS Grade-III), in c/w Advt. No.01/2020 and Notification, dated 12.02.2021, for the posts of Group-C, [Lower Division Clerk (LDC), Agriculture Assistant (Except TAFS Grade-III), Agriculture Assistant (TAFS Grade-III), Junior Operator (Pump) & Junior-Tasking Operator (Uncommon)].**
>
> **(ii) Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order/direction shall not be issued whereby directing the Respondents to re-publish the Merit List, dated 13.09.2023, after including the name of the Petitioner therein.**
>
> **(iii) Make the rules absolute.**
>
> **iv) Pass any further order/orders as this Hon'ble High Court considered fit and proper.**
>
> **AND**
>
> **For this act of kindness, the Petitioner, as is duty bound, shall ever pray.**

02. Heard Learned Counsel, Mr. D. Paul appearing on behalf of the petitioner and also heard Learned Additional G.A, Mr. M. Debbarma appearing on behalf of the State-respondent and Learned Counsel, Mr. P. Sahu appearing on behalf of the respondent Nos.2 to 7.

03. Taking part in the hearing, Learned Counsel for the petitioner drawn the attention of the Court that by an advertisement dated 27.11.2020, the JRBT invited online application for fillip up of 1500 posts of LDC (Group-C) and thereafter, by another notification, the JRBT increased the said nos. of posts from 1500 to 2410 of different categories. In the said notification there was a clause in respect of age *"(c) As regards to the candidates who had participated in the cancelled recruitment process by the Department of Agriculture, they will be given one time age relaxation in the upper age limit subject to providing documentary evidence of their participation in the earlier recruitment processes for the same post(s)*".

According to Learned Counsel, prior to that Department of Agriculture had issued another advertisement on 25.09.2018 for filling up the post of Agri-Assistant (TAFS Grade-III) and the petitioner participated in the said selection process and in this regard token was issued (Annexure-3), but after that as the said process was cancelled, so, with the clause of age relaxation, he applied for the post of LDC against the notification dated 12.02.2021 (Annexure-2).

It was further submitted that JRBT in the said selection process issued Provisional Admission Certificate to him (Annexure-4) and he appeared in the selection test and after that he was called for interview (Annexure-5) and secured

121.75 marks both in the written examination as well as in the interview. But according to the petitioner, inspite of securing said marks his name was not recommended by JRBT for appointment although the persons who had secured lesser marks were recommended by JRBT for appointment to the Government and in this regard, the notification dated 13.09.2023 (Annexure-6) was drawn by Learned Counsel for the petitioner and thereafter, he submitted representation but that was not considered. Hence, he filed the writ petition.

04. The respondents have contested the case by filing counter-affidavit. In the counter-affidavit in para Nos.10 and 11 the following assertions were made:

> **"10. That, in reply to para 11 of the Writ Petition, I say that the fact is that the petitioner compared his marks with other UR category candidates in the final merit list, Sri Nabajit Bhattacharjee at Sl. No.447 recommended for the post of LDC having secured 121.7 marks, Sri Kaushik Biswas at Sl. No.448 recommended for the post of LDC having secured 121.5 marks and Sri Rupak Dey at Sl. No.450 recommended for the post of Agri. Asstt. TAFS Gr.III Post having secured 121.5 marks. Although the petitioner secured more marks than that of the aforesaid UR candidates but here the candidature of the petitioner was not considered due to over age (DOB 24/12/1978) which was found 42 years 02 month 19 days as on the last date of submission of application i.e, on 12/03/2021 as per Advertisement notification dated 12/02/2021.**
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> **11. That, in reply to para 12 of the Writ Petition, I say that Regarding the document i.e, the token received from the petitioner during document verification as an evidence of his carlier participation in the recruitment process of the Agriculture Department vide Advertisement No.-Tripura /Agri./142/2018 dated 25/09/2018, it appears that he had applied for the post of Agri. Assistant (TAFS Grade-III).**

It is pertinent to mention here that the model token issued by the Director of Agriculture vide Memo No.F.2(803)-Agri(Estt.)/2015-16/14783-90 dated 06/01/2017 was against the Advertisement No. Tripura/Agri/803/2017 dated 03/01/2017, which was subsequently cancelled, was communicated to JRBT by the Director of Agriculture to take it as a proof or evidence of participation of the candidates in the cancelled recruitment process. But no such communication received as against the Advertisement No. Tripura/Agri/142/2018 dated 25.09.2018 from the Agriculture Department. The token submitted by the petitioner as evidence was against the Advertisement dated 25/09/2018 and as such it was not taken under consideration.

Moreover, the said impugned Advt. dated 25.09.2018 was issued after the new recruitment policy by the GA(P&T) Department dated 20.08.2018 came into force, from which it can be presumed that it was not covered under cancelled recruitment process as was mentioned in the GA(P&T) Department memorandum dated 20.08.2018. Rather it was clearly mentioned in the said Advertisement dated 25.09.2018 that the Advt. issued by the Department of Agriculture vide No. Tripura/Agri./803/2017 dated 03.01.2017 was cancelled in pursuance of the GA(P&T) Department Memo No.F.20(1)-GA(P&T)/18 dated 20.08.2018 and the said Advertisement was also cancelled vide notice dated 05/09/2018.

Thus, it is obvious that the evidence produced by the petitioner Sri. Nayan Kumar Dhar was not sufficient to consider for age relaxation as the document produced by the petitioner was related to his earlier participation in the recruitment process of the Agriculture Department vide Advertisement No-Tripura/Agri/142/2018 dated 25/09/2018 which was not communicated by the Agriculture Department regarding its cancellation, and also the petitioner did not submit any document as evidential proof issued by the Agriculture Department towards cancellation of the Advt. Tripura/Agri./142/2018 dated 25.09.2018."

Learned G.A. for the State-respondents submitted that the role of State is formal in nature, however, Learned Counsel Mr. P. Sahu appearing on behalf of the JRBT submitted that the petitioner has not come with clean hands. He further drawn the attention of the Court the notification dated

25.09.2018 issued by Department of Agriculture & Farmers Welfare wherein it was mentioned that the earlier notification of the Department dated 03.01.2017 was cancelled but the notification dated 25.09.2018 was not cancelled by the Department. But the petitioner suppressing the said fact has filed this writ petition and furthermore, the petitioner could not produce any document to substantiate that the said notification was cancelled by the authority. It was also submitted by this time there is no vacancy as submitted by Learned Counsel for the petitioner and all the vacancies have been filled up. Learned Counsel referring para No.11 of the counter-affidavit submitted that in the counter-affidavit it has been specifically mentioned by the JRBT that notification dated 03.01.2017 was cancelled by the Government but no such notification dated 25.09.2018 was cancelled by the Department, so, with the plea of cancelling the notification, there is no scope to claim any benefit in this case.

It was further submitted that when the new Government joined that time a new recruitment policy was formulated on 20.08.2018 and in the said policy in clause-4 following assertion was made:

> **"4. As regards the candidates who had participated in the cancelled recruitment processes, they are to be given one time relaxation in upper age limit to enable them to participate once in the fresh recruitment process subject to providing documentary evidence of their participation in the earlier recruitment processes for the same post(s)."**

But the notification of the Agriculture Department was issue after the new recruitment policy on 25.09.2018 which was not cancelled and in this regard no documentary evidence could be produced. So, the petitioner is not entitled to get any benefit in this writ petition with the plea that the said notification on 25.09.2018 was cancelled by the concerned Department and as such there is no merit in the writ petition filed by the petitioner and hence, Learned Counsel for JRBT urged for dismissal of the writ petition.

05. I have heard both the sides and perused the writ petition and the documents annexed with the same as well as the counter-affidavit and the documents annexed by the respondents-JRBT. Here in this case, the petitioner applied for the post of LDC, Agri. Assistant (TAFS Grade-III). In view of the notification dated 27.11.2020 and subsequent notification dated 12.02.2021 (Annexure-2) and also he sought age relaxation in view of Clause-c of the category of age relaxation in notification dated 12.02.2021. It was the case of the petitioner that he earlier applied against the said post in view of the notification dated 25.09.2018 issued by Department of Agriculture and in support of this contention, he relied upon the token issued by the Department (Annexure-3). He further submitted that the said process was cancelled and as such he sought age relaxation and in the said advertisement it was mentioned that the entire recruitment process will follow the guidelines of GA(P&T)

Department notification dated 05.06.2018 and subsequent memo dated 20.08.2018 (Annexure-R/2) but in the memo dated 20.08.2018 in Clause-4 it was specifically mentioned that the candidates who participated in the cancelled recruitment process, they will be given one time age relaxation once in the fresh recruitment process. But the petitioner claimed age relaxation in pursuance of advertisement memo dated 25.09.2018 issued by the Department of Agriculture which was issued after the issuance of new recruitment policy dated 28.08.2018 issued by the Government and furthermore, since the said notification dated 25.09.2018 was issued after issuance of the memo dated 20.08.2018, so, in view of the memo dated 20.08.2018 there was no scope on the part of the petitioner to claim any benefit of age relaxation because the said notification clearly spoken about the earlier cancelled recruitment processes and furthermore, in the said notification dated 25.09.2018 it was specifically stated that those who participated in the cancelled memo dated 03.01.2017 which was cancelled would be given upper age limit relaxation. The petitioner at the time of hearing could not produce any document before this Court to substantiate that the said memo dated 25.09.2018 issued by the Department of Agriculture was cancelled by the Department.

Learned Counsel for the petitioner although drawn the attention of the Court referring para No.11 of the counter-affidavit wherein it was mentioned that JRBT did not receive any

communication from the department that the advertisement dated 25.09.2018 was cancelled, so, he is entitled to get the benefit of age relaxation and furthermore, referring the advertisement dated 12.02.2021 the petitioner also tried to draw the attention of the Court that in the respective column of age relaxation, it was not specifically mentioned which recruitment process was cancelled, so, he is entitled to get the benefit. But this submission of Learned Counsel for the petitioner cannot be accepted as a valid and lawful submission in view of the fact that as no specific date was mentioned, so, he is entitled to get benefit in this writ petition on the ground of upper age limit and furthermore, it was also the duty of the petitioner to produce documentary evidence on record that the said notification dated 25.09.2018 issued by the Department of Agriculture was cancelled by the Department and in this regard, he could apply for necessary information from the Department under RTI Act but no such effort was taken by him.

Thus, it appears that the petitioner could not place any materials before this Court at the time of hearing to substantiate his case for granting relief in his favour and as such in my considered view, the petitioner is not entitled to get any relief in this writ petition. Rather it appears to this Court that the JRBT rightly rejected the candidature of the petitioner.

06. In the result, the writ petition filed by the petitioner bears no merit and accordingly, the same stands dismissed and rejected.

With this observation, this present petition stands disposed of.

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

JUDGE

HIGH COURT OF TRIPURA
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