TRHC010015572026

HIGH COURT OF TRIPURA
AGARTALA

WA 87/2026

1. Dr. Tripti Saha and Ors.
W/O- Sri Sudip Kumar Taran, R/O-Bhagini Nivedita Nivas Chatri, Krishnanagar, Near Satsangha Ashram, P.O.- Agartala, P.S.- West Agartala, District- West Tripura, Pin-799001.

2.Dr. Purba Sen
D/O- Lt. Purnendu Sen, W.O- Sri Sushanta Chandra Deb, R/O- Near Ramkrishna Vivekananda Vidyamandir, P.O- Dhaleshwar, P.S- East Agartala, District- West Tripura, Pin- 799007

3.Dr. Ratnabali Ray Sengupta
W/O- Sri Tushar Kanti Sengupta, D/O - Lt. Bhashkar Roy, R/O- North Banamalipur, P.0- Agartala, P.S- East Agartala, District-West Tripura, Pin-799001

4.Dr. Md. Muslem Miah
S.O- Lt. Idrish Miah, R/O- Sonamura Bridge Chowmuhani, P.O and P.S- Sonamura, District- Sepahijala Tripura, Pin- 799131

5.Dr. Jayeeta Bhattacharya
W/O- Rupak Kanti Bhattacharya, R/O- MBB College, College Road, Shibnagar, P.O- College Tilla, P.S- East Agartala, District- West Tripura, Pin- 799004

6.Dr. Uma Namasudra
W/O- Sri Sankar Sarkar, R/O- DWS Quarter, PHE/11/03, College Road, Hurua, P.O and P.S- Dharmanagar, District- North Tripura, PIN-799251.

7.Dr. Jyotirmoy Sharma
S/O- Late Surendra Sharma, R/O -Vill- Nutan Nagar, P.O.-Airport, P.S.- Airport, District-West Tripura

8.Dr. Subir Sekhar Adhikari
presently residing at - C/O Sri Pulak Debbarma, Sankar Chowmuhuni, Padma Kutir Lane, Krishnanagar, P.O.- Agartala, P.S- West Agartala, District - West Tripura

9.Dr. Mousumi Gupta (Sengupta)
W/O- Late Sanjay Sengupta, R/O- Ramnagar Road No-6 End, P.O.-Ramnagar, P.S- West Agartala, District- West Tripura

.....Appellant(s)

Versus

1.The State of Tripura and Ors.
Represented by its Principal Secretary, Higher Education Department, Govt. of Tripura, P.O.- Secretariat, P.S.- New Capital Complex, District-West Tripura, Pin-799010.

2.The Additional Secretary
Higher Education Department, Govt. of Tripura, P.O- Secretariat, P.S- New Capital Complex, District- West Tripura, Pin- 799010

3.The Director
Higher Education Department, Govt. of Tripura, P.O- A gartala, P.S- west Agartala, District- West Tripura, Pin- 799001

.....Respondent(s)

WA 88/2026

1.Sri Suman Mandal and Anr.
S/O- Sri Chandan Mandal, R/O- Baulabasa, P.O and P.S.- Kailashahar, Dist.- Unakoti, PIN-799277.

2.Smt. Ruma Chowdhury
W/O- Sri Amitabha Biswas, R/O- Behind Vidyasagar Girls H.S. School, 112 Kalibari Road, P.O.- Jogendranagar, P.S.- East Agartala, Dist- West Tripura, PIN- 799004.

.....Appellant(s)

Versus

1.The State of Tripura and Ors.
Represented by its Principal Secretary, Higher Education Department, Govt. Of Tripura, P.O- Secretariat, P.S.- New Capital Complex, District- West Tripura, Pin-799010.

2.The Additional Secretary
Higher Education Department, Govt. of Tripura, P.O- Secretariat, P.S.- New Capital Complex, District- West Tripura, Pin-799010.

3.The Director
Higher Education Department, Govt. of Tripura. P.O.- Agartala, P.S.- West Agartala, District- West Tripura, Pin-799001.

.....Respondent(s)

For Petitioner(s)	:	Mr. Arijit Bhaumik, Advocate Ms Ishpa Chakma, Advcoate
For Respondent(s)	:	Mr. Mangal Debbarma, Addl. GA.
Date of hearing	:	14.10.2026
Date of pronouncement	:	11.11.2026
Whether fit for reporting	:	YES

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER

(PER CHIEF JUSTICE)

These Writ Appeals have been filed by the Appellants challenging the common judgment dt.dt.6.7.2026 in W.P.(c) No.255 of 2024 and WP.(c) No.256 of 2024.

2. The appellants had been initially appointed as part time contract teachers in Degree colleges run by the Higher Education Department of the Govt. of Tripura. Prior to such appointment, they had undergone a selection process of an oral interview.

3. In 2010, the Council of Ministers took a decision to absorb the appellants as well as others similarly situated part-time contract teachers as Post Graduate Teachers (Group - C) in the scale of pay of Rs.5310-24,000/- with GP of Rs.2,400/- pm.

4. The respondents issued a Memorandum dt.26.6.2010 where under appellants were engaged as Post Graduate teachers for taking classes at the Degree College Level with the pay scale meant for the Post Graduate Teachers.

5. By a judgment dt. 16.3.2021 in W.P.No.1391/2019 and batch, this court had directed the respondents to frame a scheme within 6 months to absorb or designate the Post Graduate Teachers in the post of Asst. Professor in consideration of their long tenure of service in teaching in General Degree Colleges. It further directed that within 3 months of framing of the scheme, they should be considered for absorption or designation as Asst. Professor in the General Degree Colleges. The judgment of learned single Judge to this extent has

been affirmed by the Division Bench vide it's judgment dt. 17.5.2023 in WA.no.201 of 2021 and batch.

6. Pursuant to this direction, a scheme was framed vide notification dt.21.9.2022 by the State Government called "Scheme to designate Post graduate Teachers working under the Department of Higher Education, Govt. of Tripura by absorption in the post of Asst. Professor".

7. Sometime in 2022/2023, the appellants in WA No.87 of 2026 were designated as Asst. Professors by way of absorption as per directions dt.16.3.2021 in W.P.No.1393,1394,1395/19 and judgment dt.28.11.2022 in W.P.No.254/2021,255/2021,256/2021,259/2021,292/2021,293/2021.

8. The appellants in WA No.88 of 2026 were designated as Asst. Professors by way of absorption as per directions dt.28.11.2022 in WP.No.254 to 261 and 192 to 302 of 2021 and also judgment dt.6.12.2022 in W.P.276, 277 of 2022.

9. Thus they all entered the cadre of Asst. Professors.

10. All appellants in WA.No.87 of 2026 had secured the Ph.D degree while in service as Post Graduate Teachers under the Higher Education Department of the Govt. of Tripura - some before 2010 and others after 2010.

11. The appellants in WA No.88 of 2026 also secured M. Phil in 2008 and 2009 while working as Post Graduate teachers under the Higher Education Department of the Govt. of Tripura.

12. The respondents released only 3 advance increments in case of appellants/Asst. Professors who are Ph.D scholars and only one advance

increment to appellants/Asst. Professors who are M.Phil holders vide Memorandum dt.4.8.2023.

13. The appellants contend that since they had been absorbed as Asst. Professors, they are deemed to have entered into the cadre of Asst. Professor and as per Clause 5 (A) (i) and (ii) of a Notification dt.27.12.2019 issued by the Higher Education Department of the Govt. of Tripura r/w clause 19.1 (i) and (ii) of UGC (Minimum Qualification for Appointment of Teachers and other Academic Staff in universities and Colleges and other measures for maintenance of Standards in Higher Education) Regulations , 2018 (for short UGC Regulations'), Ph.D holders should get 5 advance increments and M.Phil holders should get 2 advance increments.

14. Clause 5 (A) (i) and (ii) of a Notification dt.27.12.2019 issued by the Higher Education Department of the Govt. of Tripura state:

"5A. (i) Five non compoundable advance increments shall be admissible at the entry level of recruitment as Asst. Professor to persons possessing the degrees of Ph.D awarded in a relevant discipline by the University following the process of admission, registration, course work and external evaluation as prescribed by UGC.

(ii) M.Phil degree holders at the time of recruitment to the post of Asst. Professor shall be entitled to two non-compounded advance increments"

15. The respondents contend that though the appellants possess the Ph.D and M.Phil degree, since they did not fulfil the other required academic qualification and going through a specific selection process via Public Service Commission regarding suitability and merit of the candidate following the

recruitment Rules of Asst. Professor, they cannot get the 5 increments/ 2 advance increments as per the above UGC Regulations and they would be get only 3 advance increments/1 advance increments only. They rely on clause 5A (iv) (a) of the Notification dt.27.12.2019 of the State of Tripura r/w clause 19.1 (iv) (a) and (vii) of the UGC Regulations, 2018.

16. Clause 5A (iv) (a) of the Notification dt.27.12.2019 of the State of Tripura states:

"5A (iv) (a) *Teachers who complete their Ph.D degree while in service shall be entitled to three non-compoundable increments fixed at increment applicable at entry level only if such Ph.D is in a relevant discipline of the discipline of employment and has been awarded by a university complying with the process prescribed by the UGC for enrolment, course work, evaluation etc*.

(vii) Teachers who acquire M.Phil Degree or a post graduate degree in a professional course recognised by the relevant Statutory Body/Council, while in service, shall be entitled to one advance increment."

17. The learned single Judge, in the impugned judgment, accepted the plea of the respondents and held that the appellants are not entitled to claim 5 (for Ph.D holders) / 2 (for M.Phil holders) advance increments.

18. He held that the appellants cannot compare themselves with Asst. Professors who were appointed through the Tripura Public Service Commission by following recruitment rules of Asst. Professor under the Higher Education Deptt. According to him, they had been absorbed as Asst. Professors under a scheme framed by the State government pursuant to directions given by this

Court and that they were in-service candidates and hence cannot get benefit of 5 / 2 advance increments.

19. Assailing the same, these Appeals have been preferred by the appellants.

Consideration by this Court.

20. We may point out the object of acquisition of Ph.D/M. Phil qualification under a faculty improvement programme is to provide opportunities to the teachers working in the colleges to keep themselves abreast with the developments in the field of study and research, and to enhance their professional competency as teachers. Thus acquisition of Ph.D./M. Phil degree is undoubtedly related to maintenance of the standards in Higher Education.

21. The fact that the appellants acquired Ph.D / M.Phil degree *after* joining service cannot be treated as a disqualification to disentitle them to get the benefit of 5 advance increments/2 advance increments because one cannot over-look the importance of retaining such a talented college teacher.

22. Moreover, no condition had been imposed when the appellants were allowed to pursue Ph.D/M.Phil course while in service that on completion of the said study program, no financial benefits shall be granted.

23. In our opinion, the UGC and the State have tried to create an artificial distinction, which has no logic or justification. There is no reason why the Asst. Professors cannot be given the benefit of five advance increments if they are Ph.D holders and two advance increments if they have an M.Phil.

24. The undertaking of the higher study or research for both categories of Asst. Professors is ultimately aimed at helping them become more informed and better teachers. The study/research undertaken by both the class of Asst. Professors (whether they got Ph.D/M.Phil and then became Asst. Professors *or* they got Ph.D/M.Phil while working as PG Teachers like appellants) would be of similar required quality with the ultimate aim of providing better education to the students and thus serving public interest.

25. In our opinion, Asst. Professors who acquired higher qualification of Ph.D during service *and* those who possessed that before their recruitment form one class of teachers. To create a distinction between the two based on how they became Asst. Professors or when they secured the Ph.D, smacks of arbitrariness and is discriminatory. This distinction is based on an un-intelligible differentia and has no nexus with the object i.e., to achieve excellence of education.

26. Same logic would also apply to Asst. Professors who acquired higher qualification of M. Phil during service *and* those who possessed that before their recruitment. They also in our opinion form one class of teachers.

27. Once they come into the cadre of Asst. Professors, whether by absorption or by recruitment, their birth mark in cadre loses significance and the former cannot be treated inferior to the latter and given lesser service benefits. It would be violative of Art.14 to classify them on basis of their birthmark in the cadre of Asst. Professors.

28. In ***Col. A.S. Iyer v. V. Balasubramanyam***[1], Krishna Iyer, J. held that there cannot be a valid classification on the basis of birthmarks of members of a cadre. He declared:

"45. Let us eye the issue from the egalitarian angle of Articles 14 and 16. It is trite law that equals shall be treated as equals and, in its application to public service, this simply means that once several persons have become members of one service they stand as equals and cannot, thereafter, be invidiously differentiated for purposes of salary, seniority, promotion or otherwise, based on the source of recruitment or other adventitious factor. Birthmarks of public servants are obliterated on entry into a common pool and our country does not believe in official casteism or blue blood as assuring preferential treatment in the future career. The basic assumption for the application of this principle is that the various members or groups of recruits have fused into or integrated as one common service. Merely because the sources of recruitment are different, there cannot be apartheidisation within the common service." (emphasis supplied)

29. This principle was also followed in ***Union of India v. Atul Shukla***[2]**.** The Supreme Court held therein:

"25. In the case at hand, Group Captains constitute one rank and cadre. The distinction between a Group Captain (Select) and Group Captain (Timescale) is indicative only of the route by which they have risen to that rank. Both are promotees. One reaches the rank earlier because of merit than the other who takes a longer time to do so because he failed to make it in the three chances

[1] (1980) 1 SCC 634
[2] (2014)10 SCC 432

admissible to them. The Select Officers may in that sense be on a relative basis more meritorious than Timescale Officers. But that is bound to happen in every cadre irrespective of whether the cadre comprises only directly recruited officers or only promotees or a mix of both. Inter se merit will always be different, with one officer placed above the other. But just because one is more meritorious than the other would not by itself justify a different treatment much less in the matter of age of superannuation."

30. There is also one other dimension. Senior teachers cannot be denied the benefit of aforesaid advance increments merely because they obtained Ph.D/M. Phil degree *after* their absorption, while granting the benefit of said increments to persons who are otherwise juniors on the ground that they got the said qualifications *before* they joined service. This will result in a senior getting lesser pay than his junior though being a part of the same class of teachers. Such discrimination between them would be violative of Art.14 of the Constitution of India and arbitrary.

31. In our opinion, how the appellants became Asst. Professors is not relevant and the birthmark loses significance when they join the cadre of Asst. Professors. When they entered the service on absorption as Asst. Professors, they have to be treated on par with those who had got selected as Asst. Professors after they secured Ph.D/M.Phil.

32. So we hold that the respondents erred in treating the appellants, though they are also Ph.D/M.Phil holders and are Asst. Professors, differently by giving them lesser number of increments merely because they had secured the said qualification while in service and had been absorbed in the said post, while at

the same time giving more advance increments to Asst. Professors who secured the Ph.D/M.Phil before they joined service by way of selection through the Tripura Public Service Commission.

33. Therefore the Writ Appeals are allowed; the common judgment dt.6.7.2026 of the learned single Judge in W.P.No.255 and 256 of 2024 is set aside; and the said Writ Petitions are allowed. The respondents are directed to allow to appellants in WA.No.87 of 2026 the benefit of 5 non-compoundable advance increments and to appellants in WA No.88 of 2026 the benefit of two non-compoundable advance increments from the respective dates they were absorbed as Asst. Professors. The differential amount shall be paid to them within 8 weeks. Any recoveries made from any of the appellants shall be stopped forthwith and the amount recovered be refunded to the said party within 8 weeks.

All other interlocutory applications, if any, shall stand disposed of.

(S. DATTA PURKAYASTHA), J **(M. S. RAMACHANDRA RAO), CJ**

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