

IN THE HIGH COURT OF TRIPURA
AGARTALA

W.P.(C) No.438 of 2016, W.P.(C) No.439 of 2016,
W.P.(C) No.440 of 2016, W.P.(C) No.441 of 2016,
W.P.(C) No.442 of 2016, W.P.(C) No.443 of 2016,
W.P.(C) No.444 of 2016, W.P.(C) No.445 of 2016,
W.P.(C) No.446 of 2016, W.P.(C) No.447 of 2016,
W.P.(C) No.448 of 2016, W.P.(C) No.449 of 2016,
W.P.(C) No.450 of 2016, W.P.(C) No.451 of 2016,
W.P.(C) No.452 of 2016, W.P.(C) No.453 of 2016,
W.P.(C) No.454 of 2016, W.P.(C) No.562 of 2016,
W.P.(C) No.563 of 2016, W.P.(C) No.564 of 2016,
W.P.(C) No.565 of 2016,

In W.P.(C) No.438 of 2016

Md. Abdul Malik,
son of late Akbar Mohammad,
Srinathpur Primary Madrassa Teacher,
Baburbazar, Kailashahar, P.O.
Kailashahar, P.S. Kailashahar, District –
North Tripura

..... Petitioner

By Advocate :

Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
2. **The Director of School Education,**
Government of Tripura, P.O. Agartala,
P.S. West Agartala, District – West
Tripura
3. **Srinathpur Primary Madrassa,**
through the Secretary, Srinathpur
Primary Madrassa, P.O. Baburbazar,
P.S. Kailashahar, District – North
Tripura

..... Respondents

By Advocate :

Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.439 of 2016

Md. Eqbal Hossain Bhuiya,
son of Akash Miah Bhuiya, resident of
South Chandrapur, P.O. South
Chandrapur, P.S. R.K. Pur, District-
Gomati Tripura

..... Petitioner

By Advocate :

Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
3. **Darul Uloom Islamia Madrassa,**
Rajdharnagar, P.O. Jamjuri, Udaipur,
Gomati Tripura through the Secretary,
Darul Uloom Islamia Madrassa,
Rajdharnagar, P.O. Jamjuri, Udaipur,
Gomati Tripura

..... Respondents

By Advocate :

Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.440 of 2016

Md. Abdullah Ahmed,
son of Hazi Kutum Ali of Dakshin
Baman Juntilla Junior Madrassa of
Dakshin Baman Juntilla, P.O.

Premtala, Dharmangar, P.S.
Dharmanagar, District- North Tripura

..... Petitioner

By Advocate :

Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- Versus -

- 1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
- 2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
- 3. **Dakshin Baman Juntilla Junior Madrassa,**
through the Secretary, Dakshin Baman
Juntilla Junior Madrassa, P.O.
Premtala, Dharmangar, P.S.
Dharmanagar, District- North Tripura

..... Respondents

By Advocate :

Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.441 of 2016

Md. Khursed Alam,
son of late Iman Ali, resident of village-
Dhaliai, Sonamura, P.O. & P.S.
Sonamura, District- Sepahijala

..... Petitioner

By Advocate :

Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- Versus -

- 1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
- 2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
- 3. **Sonamura Islamia Madrassa,**
through the Secretary, Sonamura
Islamia Madrassa, P.O. & P.S.
Sonamura, District- Sepahijala

..... Respondents

By Advocate :
Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.442 of 2016

Md. Shafiullah,
son of late Mansur Ali, resident of
village-Urmai, P.O. Urmai, P.S.
Sonamura, District- Sepahijala

..... Petitioner

By Advocate :
Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

- 1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura

- 2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
- 3. **Urmai Uttar Para Junior Madrassa,**
Sonamura, through the Secretary,
Urmai Uttar Para Junior Madrassa, P.O.
& P.S. Sonamura, District- Sepahijala

..... Respondents

By Advocate :
Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.443 of 2016

Md. Jahir Uddin,
son of Md. Sarafat Ulla, resident of
Irani, Kailashahar, P.O. Irani, P.S.
Kailashahar, District-North Tripura

..... Petitioner

By Advocate :
Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

- 1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
- 2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
- 3. **Irani Junior Madrassa,**
Kailashahar, through the Secretary,
Irani Junior Madrassa, Kailashahar P.O.
Irani, P.S. Kailashahar, District-North
Tripura

..... Respondents

By Advocate :
Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.444 of 2016

Md. Shah Alam,
son of late Maharam Ali, resident of
Machhima, P.O. & P.S. Jatrapur,
Sonamura, District-Sepahijala

..... Petitioner

By Advocate :
Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

- 1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
- 2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
- 3. **Barnarayan Senior Madrassa,**
Sonamura, through the Secretary,
Barnarayan Senior Madrassa, P.O. &
P.S. Jatrapur, Sonamura, District-
Sepahijala, Tripura

..... Respondents

By Advocate :
Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.445 of 2016

Md. Rafique Ahmed,
son of Md. Ayub Ali, resident of
Jubarajnagar, P.O. Jubarajnagar, P.S.
Jubarajnagar, District-North Tripura

..... **Petitioner**

By Advocate :

Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
3. **West Panisagar Muktab,**
through the Secretary, West Panisagar
Muktab, Dharmanagar, P.O. & P.S.
Panisagar, District- North Tripura

..... **Respondents**

By Advocate :

Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.446 of 2016

Md. Safiqul Islam,
son of late Hazi Nazir Ali, resident of
Tetiamura, P.O. & P.S. Jatrapur,
Sonamura, District- Sepahijala, Tripura

..... **Petitioner**

By Advocate :

Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

- 1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
- 2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
- 3. **Barnarayan Senior Madrassa,**
Sonamura, through the Secretary,
Barnarayan Senior Madrassa, P.O. &
P.S. Jatrapur, Sonamura, District-
Sepahijala, Tripura

..... Respondents

By Advocate :
Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.447 of 2016

Md. Rafiq Miah,
son of late Hazi Nazir Ali, resident of
Paharpur (TC Tiamura), P.O. & P.S.
Jatrapur, Sonamura, District-
Sepahijala, Tripura

..... Petitioner

By Advocate :
Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

- 1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura

W.P.(C) No.438 of 2016,
W.P.(C) No.440 of 2016,
W.P.(C) No.442 of 2016,
W.P.(C) No.444 of 2016,
W.P.(C) No.446 of 2016,
W.P.(C) No.448 of 2016,
W.P.(C) No.450 of 2016,
W.P.(C) No.452 of 2016,
W.P.(C) No.454 of 2016,
W.P.(C) No.563 of 2016,
W.P.(C) No.565 of 2016,
W.P.(C) No.439 of 2016,
W.P.(C) No.441 of 2016,
W.P.(C) No.443 of 2016,
W.P.(C) No.445 of 2016,
W.P.(C) No.447 of 2016,
W.P.(C) No.449 of 2016,
W.P.(C) No.451 of 2016,
W.P.(C) No.453 of 2016,
W.P.(C) No.562 of 2016,
W.P.(C) No.564 of 2016,

- 2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
- 3. **Barnarayan Islamia Senior Madrassa,**
Sonamura, through the Secretary,
Barnarayan Senior Madrassa, P.O. &
P.S. Jatrapur, Sonamura, District-
Sephaijala, Tripura

..... Respondents

By Advocate :
Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.448 of 2016

Md. Abu Tahar,
son of late Jalfu Miah, resident of
village- N.C. Nagar, P.O. & P.S.
Sonamura, District- Sepahijala, Tripura

..... Petitioner

By Advocate :
Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

- 1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
- 2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
- 3. **Hazi Haidar Ali Junior Madrassa,**
through the Secretary, Hazi Haidar Ali
Junior Madrassa, P.O. N.C. Nagar, P.S.
Sonamura, District-Sephaijala, Tripura

..... Respondents

By Advocate :

Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.449 of 2016

Md. Azir Uddin,

son of late Yakub Ali, resident of North
Padmabil, P.O. Padmabil, P.S.
Panisagar, Dharmanagar, District-
North Tripura

..... Petitioner

By Advocate :

Mr. S. Deb, Sr. Advocate

Mr. S. Dutta, Advocate

- V e r s u s -

1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
3. **North-West Padmabil Junior Madrassa,**
through the Secretary, North-West
Padmabil Junior Madrassa, P.O.
Padmabil, P.S. Dharnamagar,
Dharmanagar, District- North Tripura

..... Respondents

By Advocate :

Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.450 of 2016

Md. Ataur Rahaman,

son of Md. Idris Ali, resident of village-
Dhaliarkandi Yeazekhawra, P.O.

Dhaliarkandi Yeazekhawra, P.S.
Kailashahar, District- North Tripura

..... Petitioner

By Advocate :

Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
3. **Tilabazar Islamia Senior Madrassa,**
now Tilabazar Islamia Fazil (H.S.+2)
Madrassa through the Secretary,
Tilabazar Islamia Fazil (H.S.+2)
Madrassa, P.O. & P.S. Kailashahar,
District- Unakoti, Tripura

..... Respondents

By Advocate :

Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.451 of 2016

Md. Sadiqul Islam,
son of Md. Fazlur Rahaman, resident of
village- Durlavnarayan, P.O.
Durlavnarayan, P.S. Sonamura, District
– Sepahijala, Tripura

..... Petitioner

By Advocate :

Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
3. **Sonamura Islamia Madrassa,**
through the Secretary, Sonamura
Islamia Madrassa, N.C. Nagar,
Sonamura, P.O. Sonamura, P.S.
Sonamura, District- Sepahijala, Tripura

..... Respondents

By Advocate :

Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.452 of 2016

Md. Joynal Abdin Kazi,
son of Shahab Uddin Kazi, resident of
village – Durlavnarayan, P.O.
Durlavnarayan, P.S. Sonamura,
Sonamura, District – Sepahijala,
Tripura

..... Petitioner

By Advocate :

Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura

2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
3. **Amlakimura Junior Madrassa,**
through the Secretary, Amlakimura
Junior Madrassa, P.O. Durlavnarayan,
P.S. Sonamura, Sonamura, District –
Sepahijala, Tripura

..... Respondents

By Advocate :

Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.453 of 2016

Md. Siraj Uddin,
son of Haji Mahsin Ali, resident of
Balirband, P.O. Churaibari, P.S.
Pathargandhi, Karimganj, Assam,
Teacher of Madhya Kala Gangar
Muktab, P.O. Kalagangerpar, P.S.
Dharmanagar, District- North Tripura

..... Petitioner

By Advocate :

Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura

3. **Madhya Kala Gangar Muktab,**
through the Secretary, Madhya Kala
Gangar Muktab, P.O. Kalagangerpar,
P.S. Dharmanagar, District- North
Tripura

..... Respondents

By Advocate :

Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.454 of 2016

Md. Nurul Islam,
son of Md. Muktal Hussain, resident of
Daodharani Siddikia Senior Madrassa,
P.O. Kulubari, P.S. Sonamura,
Sonamura, District- Sepahijala, Tripura

..... Petitioner

By Advocate :

Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
3. **Daodharani Siddikia Senior Madrassa,**
through the Secretary, Daodharani
Siddikia Senior Madrassa, P.O.
Kulubari, Sonamura, P.S. Sonamura,
District-Sepahijala, Tripura

..... Respondents

By Advocate :

Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.562 of 2016

Md. Joynal Hossain,

son of Md. Abdul Malek, resident of
village- Prabhurampur, P.O. N.C.
Nagar, P.S. Bishalgarh, District-
Sepahijala, Tripura

..... **Petitioner**

By Advocate :

Mr. S. Deb, Sr. Advocate

Mr. S. Dutta, Advocate

- V e r s u s -

1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
3. **Darul Uloom Islamia Madrassa,**
through the Secretary, Darul Uloom
Islamia Madrassa, P.O. Jamjuri, P.S.
R.K. Pur, Udaipur, District- Gomati,
Tripura

..... **Respondents**

By Advocate :

Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.563 of 2016

Md. Abdus Sahid,
son of late Yunus Ali, resident of Irani,
P.O. & P.S. Irani, Kailashahar, District-
Unakoti, Tripura

..... **Petitioner**

By Advocate :

Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

1. **The State of Tripura,**
Through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
3. **Samrurpar Primary Madrassa,**
through the Secretary, Samrurpar
Primary Madrassa, P.O. & P.S. Irani,
Kailashahar, District- Unakoti, Tripura

..... **Respondents**

By Advocate :

Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.564 of 2016

Md. Firuj Ali,
son of late Sarman Ali, resident of
Bhagabannagar, P.O. Bhagabannagar,
P.S. Kailashahar, District- Unakoti,
Tripura

..... **Petitioner**

By Advocate :

Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- V e r s u s -

1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
3. **Bhagabannagar Primary Madrassa,**
through the Secretary, Bhagabannagar
Primary Madrassa, P.O.
Bhagabannagar, P.S. Kailashahar,
District- Unakoti, Tripura

..... Respondents

By Advocate :

Mr. S. Chakraborty, Addl. G.A

In W.P.(C) No.565 of 2016

Md. Shafeequr Rahaman,
son of late Sarafat Ali, resident of
village- N.C. Nagar, P.O. N.C. Nagar,
P.S. Sonamura, District- Sepahijala,
Tripura

..... Petitioner

By Advocate :

Mr. S. Deb, Sr. Advocate
Mr. S. Dutta, Advocate

- Versus -

- 1. **The State of Tripura,**
through the Principal Secretary,
Department of Education, Government
of Tripura, Secretariat Building, P.O.
Secretariat Complex, P.S. New Capital
Complex, District – West Tripura
- 2. **The Director of School Education,**
Government of Tripura, Secretariat
Building, P.O. Agartala, P.S. West
Agartala, District – West Tripura
- 3. **Sonamura Islamia Madrassa,**
through the Secretary, Sonamura
Islamia Madrassa, P.O. & P.S.
Sonamura, District- Sepahijala, Tripura

..... Respondents

By Advocate :
Mr. S. Chakraborty, Addl. G.A

**BEFORE
THE HON’BLE MR. JUSTICE S. TALAPATRA**

Date of hearing and delivery
of Judgment & Order : **30.11.2017**

Whether fit for reporting :

Yes	No
	✓

JUDGMENT & ORDER (ORAL)

Heard Mr. S. Deb, learned senior counsel assisted by
Mr. S. Datta, learned counsel appearing for the petitioners as well
as Mr. S. Chakraborty, learned Addl. G.A. appearing for the
respondents.

W.P.(C) No.438 of 2016,
W.P.(C) No.440 of 2016,
W.P.(C) No.442 of 2016,
W.P.(C) No.444 of 2016,
W.P.(C) No.446 of 2016,
W.P.(C) No.448 of 2016,
W.P.(C) No.450 of 2016,
W.P.(C) No.452 of 2016,
W.P.(C) No.454 of 2016,
W.P.(C) No.563 of 2016,
W.P.(C) No.565 of 2016,
W.P.(C) No.439 of 2016,
W.P.(C) No.441 of 2016,
W.P.(C) No.443 of 2016,
W.P.(C) No.445 of 2016,
W.P.(C) No.447 of 2016,
W.P.(C) No.449 of 2016,
W.P.(C) No.451 of 2016,
W.P.(C) No.453 of 2016,
W.P.(C) No.562 of 2016,
W.P.(C) No.564 of 2016,

[2] These writ petitions being W.P.(C) No.438 of 2016 [Md. Abdul Malik vs. State of Tripura & Ors.], W.P.(C) No.439 of 2016 [Md. Iqbal Hossain Bhuiya vs. State of Tripura & Ors.], W.P.(C) No.440 of 2016 [Md. Abdullah Ahmed vs. State of Tripura & Ors.], W.P.(C) No.441 of 2016 [Md. Khursed Alam vs. State of Tripura & Ors.], W.P.(C) No.442 of 2016 [Md. Shafi Ullah vs. State of Tripura & Ors.], W.P.(C) No.443 of 2016 [Md. Jahir Uddin vs. State of Tripura & Ors.], W.P.(C) No.444 of 2016 [Md. Shah Alam vs. State of Tripura & Ors.], W.P.(C) No.445 of 2016 [Md. Rafique Ahmed vs. State of Tripura & Ors.], W.P.(C) No.446 of 2016 [Md. Safiquil Islam vs. State of Tripura & Ors.], W.P.(C) No.447 of 2016 [Md. Rafiq Miah vs. State of Tripura & Ors.], W.P.(C) No.448 of 2016 [Md. Abu Tahir vs. State of Tripura & Ors.], W.P.(C) No.449 of 2016 [Md. Azir vs. State of Tripura & Ors.], W.P.(C) No.450 of 2016 [Md. Ataur Rahaman vs. State of Tripura & Ors.], W.P.(C) No.451 of 2016 [Md. Sadiqul Islam vs. State of Tripura & Ors.], W.P.(C) No.452 of 2016 [Md. Joynal Abdin Kazi vs. State of Tripura & Ors.], W.P.(C) No.453 of 2016 [Md. Siraj Uddin vs. State of Tripura & Ors.], W.P.(C) No.454 of 2016 [Md. Nurul Islam vs. State of Tripura & Ors.], W.P.(C) No.562 of 2016 [Md. Joynal Hossain vs. State of Tripura & Ors.], W.P.(C) No.563 of 2016 [Md. Abdus Sahid vs. State of Tripura & Ors.], W.P.(C) No.564 of 2016

[Md. Firuj Ali vs. State of Tripura & Ors.] and W.P.(C) No.565 of 2016 [Md. Shafeequr Rahman vs. State of Tripura & Ors.] are combined for disposal by a common judgment inasmuch as the relief claimed in the writ petitions is based on the identical fact and, particularly, for having the benefits of the memorandum No.F.20(91)-SE/GIA/MEC/2014 dated 22.08.2014 issued in compliance with the direction of this court delivered in W.P.(C) No.257 of 2007 by allowing the higher pay scale of Rs.1300-3320/- w.e.f. 01.01.1996. The petitioners have asserted that by the notification No.F.16(46-A) DSE/GI/MEC/08 dated 04.12.2009 [Annexure-P/2 to the writ petition in W.P (C) No.439 of 2016] the Madrassas, those are concerned in these writ petitions, have been brought under the Grant-in-Aid Scheme w.e.f. 01.01.2010. The Director of School Education [the respondent No.2 herein] by the memorandum No.F.16(93)-SE/GIA/MEC/2010 dated 26.06.2010 asked the Inspectors of School to furnish the detailed information of existing teachers of those Madrassas which are brought under the Grant-in-Aid Scheme as per the format provided in the said memorandum dated 26.06.2010 [Annexure-P/3 to the writ petition being W.P (C) No.439 of 2016]. Accordingly, those detailed information was sent. Thereafter, the respondent No.2 issued the notification under No.F.16(93)SE/GIA/MEC/2010 dated 08.03.2011

for according approval to the appointments of the existing teachers of the Madrassas as listed in the notification dated 04.12.2009 [Annexure-P/2 to the writ petition being W.P.(C) No.439 of 2016]. All the petitioners were adjusted against the post of Madrassa teacher but in fixed pay w.e.f. 01.01.2010. The petitioners have referred a notification under No.16(29)-SE/GIA/MC/08 dated 03.06.2010 [Annexure-P/6 to the writ petition in W.P (C) No.439 of 2016] whereby the State of Tripura has declared the equivalence of the degree issued by the West Bengal Madrassa Board, the State Madrassa Board of Assam and other Madrassas/Boards recognised by the Central/State Government or Universities of India. It has been declared that those degree will be treated as equivalent to Madhyamik, H.S.(+2 Stage), Graduate and Post Graduate Degree as offered by Tripura Board of Secondary Education and Tripura University. The entire text of the said notification dated 03.06.2010 is extracted hereunder:

**"No.F.16(29)-SE/GIA/MC/08
Government of Tripura
Directorate of School Education
(Madrassa Education Cell)**

Dated, Agartala, the 03.06.2010

NOTIFICATION

The Governor of Tripura has been pleased to notify that following Degree Certificates issued by the West Bengal Madrassa Board, State Madrassa Board of Assam and other Madrassas/Boards recognised by the Central/State Government or University of India will be treated as equivalent to Madhyamaki, H.S. (+2 Stage), Graduate and Post Graduate degree courses of Tripura Board of Secondary Education and Tripura University:

W.P.(C) No.438 of 2016,
W.P.(C) No.440 of 2016,
W.P.(C) No.442 of 2016,
W.P.(C) No.444 of 2016,
W.P.(C) No.446 of 2016,
W.P.(C) No.448 of 2016,
W.P.(C) No.450 of 2016,
W.P.(C) No.452 of 2016,
W.P.(C) No.454 of 2016,
W.P.(C) No.563 of 2016,
W.P.(C) No.565 of 2016,

W.P.(C) No.439 of 2016,
W.P.(C) No.441 of 2016,
W.P.(C) No.443 of 2016,
W.P.(C) No.445 of 2016,
W.P.(C) No.447 of 2016,
W.P.(C) No.449 of 2016,
W.P.(C) No.451 of 2016,
W.P.(C) No.453 of 2016,
W.P.(C) No.562 of 2016,
W.P.(C) No.564 of 2016,

24000/- with G.P. Rs.2400 [PB-2] w.e.f. 01.08.2013 keeping the regular pay scale in abeyance. Similarly, 33 [thirty three] Madrassa teachers of Grant-in-Aid Madrassa having FM degree as shown in the Annexure-B to the said notification dated 19.07.2013 have been declared to have entitled to draw their fixed pay, the scale of pay of Rs.5300-24000/- with G.P. Rs.2100/- [PB-2] w.e.f. 01.08.2013 keeping the said pay scale in abeyance but the petitioners have been given the pay scale of Under Graduate teachers, notwithstanding the fact that they are having the equivalent Post Graduate and the Graduate degrees. The petitioners made their representations but their representation were forwarded to the higher authorities, but finally no affirmative action has been taken. However, by the memorandum No.F.20(91)-SE/GIA/MEC/2014 dated 22.08.2014 [Annexure-P/10 to the writ petition in W.P (C) No.439 of 2018] which was issued in compliance with the direction given by this court in W.P.(C) No.257 of 2007, the higher pay scales in the scale of pay of Rs.1300-3320/- was given to the senior Madrassa teachers. The petitioners in these writ petitions have prayed for the said benefit as given by the said memorandum dated 22.08.2014.

[4] The respondents by filing their reply have asserted that from the notification dated 19.07.2013 it would be clearly apparent that 8[eight] Madrassa teachers having MM/Title degrees and serving in the Grant-in-Aid Madrassas [shown in Annexure-A] and 33 Madrassa teachers of the Grant-in-Madrassa having FM degrees [shown in Annexure-B] will be entitled to draw the fixed pay keeping the regular scale of pay of Rs.5300-24000/-[PB-2] with G.P. Rs.2100 w.e.f. 01.08.2013 by keeping the regular pay scale in abeyance. They have stated that the Education Department issued advertisement inviting application for filling up the posts in the Grant-in-Aid Madrassas and the minimum educational qualification as sought was FM in case of Arabic candidates and Madhyamik in case of general education candidates for the post of under graduate teachers. It has been further asserted as follows:

" Although the post advertised was for the post of Under Graduate Teacher, the incumbent are entitled to receive pay scale of Graduate Teacher and Post Graduate Teacher as Government of Tripura, School Education Department has declared their pay scale of Rs.5300-24000/- with Grade Pay of Rs.2100 & 2400/- respectively w.e.f. 1st August, 2013. But the petitioner is not entitled to receive Graduate Pay Scale of Rs.5300-24000/- with Grade Pay of Rs.2100/- as his service was brought under GIA w.e.f. 01.01.2010 to the post of Under Graduate Teacher while the Darul Uloom Junior Madrassa, Private Managed Madrassa was brought under Grant-in-Aid. It is the policy matter of the Government at that material time that those person who were appointed on fixed pay basis keeping the regular post in abeyance by creating fixed pay post on condition that after five years they would be entitled to the regular pay scale. The petitioners are not similarly situated teacher appointed on fixed pay basis keeping regular post in abeyance."

[5] As sequel to that assertion, the respondents have further asserted that the petitioners of the writ petition being W.P.(C) No.257 of 2007 are differently situated. At the material time, there was a memorandum of the Government under No.F.4(62)-FIN(PC)-92 dated 07.12.1992 [Annexure-R/1 to the reply filed by the respondents in W.P.(C) No.439 of 2016] whereby grant of pay scale commensurate to the higher qualification was discontinued w.e.f. 01.01.1992. That policy of granting higher pay scale was for acquisition of the higher qualification for the teachers who acquired higher qualification in service, but the petitioners are not in any way entitled to such benefit.

[6] It is to be further noted that the petitioners by filing the rejoinder have stated that their appointments were approved by the respondents No.2 in the scale of Rs.5300-24000/- but they were entitled to get the scale of pay of Rs.1300-3320/- [the pre revised scale of Rs.5300-24000/-] with effect from the date of appointment, and in terms of its corresponding revisions. They have further asserted that the grant of fixed pay is de hors the policy of the government inasmuch as no fixed pay post was created by keeping the regular pay scale in abeyance for the Grant-in-Aid Madrassa teachers.

[7] There is no dispute that the petitioners have either Bachelors Degree, Kamil [2-3 years, general], MM [2 years, till 1997] from the West Bengal Madrassa Board, Madrassa Final [MF] from the Assam Madrassa Board and Fazil, Afjal, Ulama, Afjajul Ullom and Fazeleat from the Madrassas recognized by the Central or the State Government Board or the Universities of India. There is no dispute that at the time bringing the Madrassas under the Grant-in-Aid Scheme by the State, all the petitioners were serving in the Madrassas. From the notification dated 19.07.2013 [Annexure-P/7 to the writ petition in W.P.(C) No.439 of 2016], it is apparent that the persons appointed in the Junior Madrassas, Fazil Madrassas, catalogued in Annexures-A & B appended to the said notification dated 19.07.2013 have been given the fixed pay keeping the scale of pay of Rs.5300-24000/- with G.P. Rs.2400 [PB-2] w.e.f. 01.08.2013 [for the persons catalogued in Annexure-A] and the scale of pay of Rs.5300-24000/- with G.P. Rs.2100 [PB-2] w.e.f. 01.08.2013 [for the persons catalogued in Annexure-B] in abeyance. According to the reply filed by the respondents, the said notification is applicable for the persons who were appointed directly after the management of the Madrassas brought under the Grant-in-Aid Scheme.

[8] The state cannot make such unreasonable distinction amongst the persons in the same class for the reason that they were absorbed under the Grant-in-Aid establishment in consideration of their appointments made by the private management but the state did not dispute that the petitioners and those persons benefited by the notification dated 19.07.2013 are holding the same status and discharging exactly the same duties. It has been admitted by the respondents, as it would be evident from the reply, that the petitioners are getting the pay scale of Rs.1300-3320/- from the date of their appointment under the Grant-in-Madrassas but they have not given that benefit in terms of the notification dated 19.07.2013. They are entitled to the equal pay and hence, the respondents are directed to grant the benefit of the notification dated 19.07.2013 from the date of their appointment under the Grant-in-Madrassas meaning from the day when they were absorbed under the Grant-in-Aid Scheme. The petitioners shall not be kept in the fixed pay by keeping their regular scale of pay in abeyance for 5[five] years, if the petitioners had completed five years of service before they were brought under the Grant-in-Aid Madrassas. The arrears as may accrue for the above direction shall be paid within 6[six] months from the

date when the petitioners shall furnish a copy of this order to the respondent No.2.

[9] Having held so, these writ petitions stand allowed to the extent as indicated above.

There shall be no order as to costs.

JUDGE

Sujay