

**HIGH COURT OF TRIPURA  
AGARTALA**

WP(C) No.18 of 2023

**Smt. Jayanti Nath Sharma**

**....Petitioner(s)**

**Versus**

**The State of Tripura and 3 Ors.**

**....Respondent(s)**

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For the Petitioner(s)	:	Ms. A. Debbarma, Advocate
For the Respondent(s)	:	Mr. M. Debbarma, Addl. GA

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**HON'BLE MR. JUSTICE ARINDAM LODH**  
**Order**

**29/11/2023**

Heard Ms. A. Debbarma, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Addl. GA appearing for the respondents-State.

The petitioner has filed the present writ petition claiming regularization of her service.

It is the case of the petitioner, briefly, that she was engaged by the Assistant Headmaster of Khowai Govt. Girls' XII School in the year 1997 and since then she has been working as Daily Rated Worker(DRW). In the year 2017, the respondents have taken initiatives to regularize the service of the petitioner. However, that process was suddenly stopped due to repealing of the schemes of regularization in the year 2018. The petitioner has filed the present writ petition in the year 2023 claiming regularization of her service on the basis of the memoranda which were repealed by the government in the year 2018.

In the light of above facts, Ms. A. Debbarma, learned counsel for the petitioner has strenuously argued that for such long continuation of service and for the reason that the respondents have taken initiatives to regularize the service of the petitioner under the then memoranda, the service of the petitioner may be regularized. It is further submitted by learned counsel for the petitioner that the right of the petitioner for regularization was matured long back, but, it was not considered by the respondents.

This is a settled proposition of law that regularization is not a matter of right but it is a right to be considered by the employer/government. The petitioner could not substantiate that she had been appointed by the competent authority of the Department of Education, Government of Tripura. Assistant Headmaster of a School is not a competent authority to engage her in service. Moreover, no financial concurrence was taken from the government prior to her engagement in the year 1997.

From the communication dated 08.11.2017 issued by the Finance Department, Government of Tripura, it is revealed that the process of regularization of the service of the petitioner along with others were initiated by the government. However, that concurrence was given subject to the below mentioned conditions:

- “a. Approval of Council of Ministers is required for one time relaxation of age bar/Educational Qualification required for entering into regular Government service.*
- b. Before regularization, the Department has to verify the relevant documents alongwith original certificates.*
- c. After approval of Council of Ministers, the Department is requested to send the file to Finance Department for necessary entry in Finance Deptt's database.”*

However, as I said earlier, the process could not be completed since the government had withdrawn/repealed all the memoranda/schemes for regularization. Another aspect is that, though the petitioner had entered into service in the year 1997 and under memorandum dated 31.03.2008, she was entitled to claim regularization, but for the last several decades, she did not approach the court of law to raise her grievance for not considering her regularization of service. Only in the year 2023, the petitioner suddenly woke up from the slumber and approached this Court for regularization of her service.

It is also revealed from the records that no concurrence of the Finance Department was taken by the Assistant Headmaster prior to engagement of the petitioner in the year 1997. Moreover, the petitioner has failed to justify that there is regular vacant post still exists under the respondents.

All these aspects have been elaborated and there was detailed discussions of law for regularization of service by this Court in the case of ***Sri Satyaranjan Dey and Anr. vs. The State of Tripura and Ors.*** in ***WP(C) No.5 of 2023***. That apart, the present writ petition is absolutely barred by delay and laches.

In the light of above, the instant writ petition deserves no consideration. Accordingly, the instant writ petition stands dismissed.

**JUDGE**

*Snigdha*

**SANJAY** Digitally signed by  
**GHOSH** SANJAY GHOSH  
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