

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP(C) No.535 of 2023**

Dr. Rajat Deb

.....Petitioner(s)

Versus

Tripura University (A Central University) and others

.....Respondent(s)

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For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate, Mr. Samarjit Bhattacharjee, Advocate, Mr. Kawsik Nath, Advocate.
For Respondent(s)	:	Mr. Bidyut Majumder, Deputy SGI, Mr. T. Debbarma, Advocate.

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**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH**

**Order**

**30/08/2023**

Petitioner has approached this Court against the computation of vacancies under advertisement No.F.TU/Teach-Rec/2023/01 dated 19.07.2023 [Annexure-1] in the subject of Commerce i.e. two vacancies – one for UR and one for OBC. Online applications have been invited from eligible candidates for filling up the vacant teaching posts of Associate Professor in the Academic Pay Level 13A as per 7<sup>th</sup> Central Pay Commission Pay Matrix in various departments of the University including Commerce.

2. Petitioner is an applicant for the post of Associate Professor in Commerce. He claims to be serving on the post of Assistant Professor in Commerce in the UR category since 21.06.2012. It appears that in an earlier advertisement dated 30.07.2019 for filling up of the same post in various departments including Commerce by the Tripura University (A Central University), two posts in OBC category were advertised. The petitioner had earlier approached this Court in WP(C) No.357/2021 challenging the determination of roster point as fixed by the respondents-University, alleging

that two posts under Associate Professor (Commerce) have been reserved under OBC category. The writ petition was disposed of without commenting on the merits of the challenge by directing the respondents-Tripura University to make a fresh exercise in line with various notifications including the latest notification to determine the roster point where provision for reservation is made for EWS by order dated 17.01.2023 [Annexure-9]. Thereafter, the impugned recruitment exercise has been undertaken vide advertisement dated 19.07.2023 whereunder apart from different subjects, two posts of Associate Professor in the Commerce subject– one for UR and one for OBC category has been notified.

3. Mr. P. Roy Barman, learned senior counsel for the petitioner, has contended that the preparation of roster, even under the present advertisement, in the subject of Commerce suffers from violation of the office memorandum dated 02.07.1997 and also the latest office memorandum dated 31.01.2019 [Annexure-15] issued by the Department of Personnel & Training under the Ministry of Personnel, Public Grievances & Pensions, Government of India. The petitioner has sought to support his challenge through various averments made in the writ petition. Petitioner has also approached the respondents through a representation made on 27.07.2023 [Annexure-30]. It is submitted that the respondents may be asked to explain as to how the Reservation Register has been prepared indicating the allocation of roster points to various categories i.e. UR and reserved categories.

4. Mr. T. Debbarma, learned counsel for the respondents-University, submits that the allocation of posts under the impugned advertisement for the subject of Commerce has been done after recasting. In the earlier advertisement

dated 30.07.2019, both the posts of Associate Professor in the subject of Commerce were earmarked for OBC category; whereas in the present advertisement, one post has been earmarked for UR category to which the petitioner belongs, and the other one is OBC category. As such, the petitioner's chances of participation are not excluded or ruled out. Therefore, no grounds are made out by the writ petitioner to interfere in the allocation of roster points and in the impugned advertisement.

5. On consideration of the rival submission of the parties and the pleadings on record; at the outset, it needs to be observed that in the impugned recruitment exercise under advertisement dated 19.07.2023, the respondents-University has allocated one post for UR and one post for OBC in the Commerce subject. As such, the chances of participation of the petitioner are not completely ousted. It further appears that after the previous advertisement dated 30.07.2019 and in pursuance to the direction passed in the order dated 17.01.2023 by the Coordinate Bench of this Court in WP(C) No.357/2021, the respondents have re-casted the roster point and now one post has been allotted to UR and the other to OBC category. Petitioner, through the pleadings of the writ petition and the enclosed annexures, has however not been able to demonstrate that the allocation of roster is violative of the office memorandum dated 02.07.1997 or the latest memorandum of 31.01.2019 or in teeth of the decisions rendered on this point by the Apex Court. It appears that the apprehensions of the petitioner are speculative.

6. As such, this Court is of the view that no interference is called for, for the present in the recruitment exercise under the advertisement dated 19.07.2023, specifically for the subject of Commerce. Petitioner has

approached the respondents with a representation which may be looked into in accordance with law by the concerned authorities.

7. Writ petition is accordingly dismissed. Pending application(s), if any, also stands disposed of.

**(APARESH KUMAR SINGH), CJ**

