

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.629 of 2024

Smt. Nabamita Roy, Daughter of Satish Chandra Roy, Resident of Vivekananda Lane, Road No.5, Agartala, West Tripura, PIN-799003

.....Petitioner(s);

Versus

1. The State of Tripura to be represented by the Secretary, Education (School) Department, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S- New Capital Complex, Agartala, West Tripura, PIN-799010
2. The Secretary, Education (School) Department, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S.- New Capital Complex, Agartala, West Tripura, PIN-799010
3. The Director of Secondary Education, Government of Tripura, Directorate of Secondary Education, Tripura, Shiksha Bhavan, Office Lane, Agartala, West Tripura, PIN-799001
4. Sankaracharyya Vidyayatan Class-XII Girls' School to be represented by the Secretary, Managing Committee, Sankaracharyya Vidyayatan Class-XII Girls' School, AD Nagar, West Tripura, PIN-799003
5. The Secretary, Managing Committee, Sankaracharyya Vidyayatan Class-XII Girls' School, AD Nagar, West Tripura, PIN-799003
6. Netaji Subhas Vidyaniketan to be represented by the Secretary, Managing Committee, Netaji Subhas Vidyaniketan, Agartala, West Tripura, PIN-799001
7. The Secretary, Managing Committee, Netaji Subhas Vidyaniketan, Agartala, West Tripura, PIN-799001

.....Respondent(s)

WP(C) No.630 of 2024

Sri Anirban Das, Son of Pradip Chandra Das, Resident of Dhaleswar Road No.14, Agartala, West Tripura, PIN-799007

.....Petitioner(s);

Versus

1. The State of Tripura to be represented by the Secretary, Education (School) Department, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S- New Capital Complex, Agartala, West Tripura, PIN-799010
2. The Secretary, Education (School) Department, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S.- New Capital Complex, Agartala, West Tripura, PIN-799010

3. The Director of Secondary Education, Government of Tripura, Directorate of Secondary Education, Tripura, Shiksha Bhavan, Office Lane, Agartala, West Tripura, PIN-799001

4. Ramthakur Pathsala Boys' H.S. (+2) School to be represented by the Secretary, Managing Committee, Ramthakur Pathsala Boys' H.S. (+2) School, Agartala, West Tripura, PIN-799001

5. The Secretary, Managing Committee, Ramthakur Pathsala Boys' H.S. (+2) School, Agartala, West Tripura, PIN-799001

6. Netaji Subhas Vidyaniketan to be represented by the Secretary, Managing Committee, Netaji Subhas Vidyaniketan, Agartala, West Tripura, PIN-799001

7. The Secretary, Managing Committee, Netaji Subhas Vidyaniketan, Agartala, West Tripura, PIN-799001

.....Respondent(s)

WP(C) No.631 of 2024

1. Tripura (Non-Govt.) Teachers' Association (H.B. Road) to be represented by Sri Rajesh Rudra Paul, Secretary, Tripura (Non-Govt.) Teachers' Association (H.B. Road), having its registered Office Address at Samanway Bhaban, Melarmath, Agartala, West Tripura, PIN-799001

2. Sri Manash Das, Son of Ganesh Chandra Das, Resident of Kamalpur, Dhalai, Tripura, PIN-799209

.....Petitioner(s);

Versus

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

2. The Secretary, Education (School) Department, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S.- New Capital Complex, Agartala, West Tripura, PIN-799010

3. The Director of Secondary Education, Government of Tripura, Directorate of Secondary Education, Tripura, Shiksha Bhavan, Office Lane, Agartala, West Tripura, PIN-799001

.....Respondent(s)

WP(C) No.503 of 2025

Manash Das, Son of Ganesh Chandra Das, Resident of Kamalpur, Dhalai, Tripura, PIN-799285 (Age-52 years)

.....Petitioner(s);

Versus

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

2. The Secretary, Education (School) Department, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S.- New Capital Complex, Agartala, West Tripura, PIN-799010
 3. The Director of Secondary Education, Government of Tripura, Directorate of Secondary Education, Tripura, Shiksha Bhavan, Office Lane, Agartala, West Tripura, PIN-799001
 4. The Joint Director of Secondary Education, Govt. of Tripura, Directorate of Secondary Education, Tripura, Shiksha Bhavan, Office Lane, Agartala, West Tripura, PIN-799001
 5. The District Education Officer, Unakoti District Office, Kailashahar, Unakoti, Tripura, PIN-799264
 6. The Secretary, Managing Committee, Darchawi Christian H.S. School, Kumarghat, Unakoti, Tripura, PIN-799264
 7. The Headmaster, Darchawi Christian H.S. School, Office of the Headmaster, Darchawi Christian H.S. School, Kumarghat, Unakoti, Tripura, PIN-799264
 8. Sri Partha Bhattacharya, Assistant Headmaster, Care of the Headmaster, Darchawi Christian H.S. School, Kumarghat, Unakoti, Tripura, PIN-799264
-Respondent(s)

For Petitioner(s)	: Mr. Purusuttam Roy Barman, Sr. Advocate, Mr. Samarjit Bhattacharjee, Advocate, Mr. Kawsik Nath, Advocate, Mr. Dipjyoti Paul, Advocate.
For Respondent(s)	: Mr. Saktimoy Chakraborti, Advocate General, Mr. P. Gautam, Sr. G.A., Mr. K.N. Bhattacharyya, G.A., Mr. Dipankar Sarma, Addl. G.A., Mr. Karnajit De, Addl. G.A., Mrs. Pinki Chakraborty, Advocate.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
HON'BLE MR. JUSTICE BISWAJIT PALIT

Date of hearing : **08.01.2026 & 27.01.2026**
Date of Judgment & Order : **25.02.2026**
Whether Fit for Reporting : **YES**

JUDGMENT & ORDER

(M.S. Ramachandra Rao, C.J.)

- 1) The petitioners in WP(C) No.629/2024 and WP(C) No.630/2024 were appointed as Post Graduate Teachers (PGTs) in various subjects to teach Class XII students in schools run by private managements.
- 2) The first petitioner in WP(C) No.631/2024 is the Tripura (Non-Govt.) Teachers' Association and the second petitioner was appointed as Post Graduate Teacher in a school run by a private management.
- 3) The second petitioner in WP(C) No.631/2024 had filed WP(C) No.503/2025.
- 4) In all these Writ Petitions, the petitioners had challenged Rule 5 of the Tripura Grant-in-Aid (Government Aided Schools) 1st Amendment Rules, 2022 [hereinafter referred to as the "Rules of 2022"] notified on 30.11.2022.
- 5) In WP(C) No.629/2024, WP(C) No.630/2024 and WP(C) No.631/2024, there is also a challenge to Rule 13 of the Rules of 2022.
- 6) In these Writ Petitions the petitioners complain that (a) for promotion from PGT to Asst. Headmaster /Asst. Headmistress post, the Rules of 2022 amended the pre-existing norms and introduced additional norms, which is impermissible and (b) that the Rules of 2022 contained a provision of redeployment of PGTs from one aided school to another in certain circumstances, which was previously not there, and this is also impermissible.

The Rules of 2005

- 7) The Tripura Grant-in-Aid (Government Aided Schools) Rules, 2005 [hereinafter referred to as the "Rules of 2005"] were notified on

31.05.2005 in respect of awarding of status of grant-in-aid schools and functioning of schools in furtherance of education in the State of Tripura and applied to all Government aided/ Primary/ Junior High/ Senior Basic/ High and Class XII schools in Tripura.

8) Thus, they dealt with primarily private managements who were to receive grant-in-aid from the Government for running the respective schools. All the petitioners were governed by these Rules.

9) The “Rules of 2005” came to be modified by the Government of Tripura by the Rules of 2022 w.e.f. 30.11.2022.

10) Rule 5 of the Rules of 2005 dealt with appointment to the post of Headmaster/ Headmistress/ Assistant Headmaster/ Assistant Headmistress. Sub-Rule (ii) of the said Rule 5 stated that promotion would be done to the said posts through a duly constituted Departmental Promotion Committee (DPC); that promotion would be made strictly according to seniority-cum-merit; and the Managing Committee shall maintain a seniority list, category wise, both for teaching and non-teaching employees on the basis of criteria being followed in Government schools and offices. If any in-service teaching or non-teaching employee comes from another unit or school and joins services in any privately managed school, his/her position in the seniority list will be determined with effect from the date he/she joins the service in the new school.

11) There was no provision in the Rules of 2005 of redeployment of PGTs appointed in one aided private school to another.

12) These were amended in the Rules of 2022 through a notification dt.30.11.2022 by the State Government.

13) As regards promotion from PGTs to post of Asst. Headmaster /Asst. Headmistress is concerned , Rule 5 was amended as under:

“ii)

(b) Appointment to the post of Assistant Headmaster/ Assistant Headmistress shall be made on promotion from among the Post Graduate Teachers (PGT) of concerned GIA School having at least Seven years regular teaching experience and requisite qualification i.e. Post Graduate (Master degree) with 50% marks including B.Ed through the duly Constituted Departmental Promotion Committee (DPC) approved by the Director of Secondary Education. Promotion shall be made strictly according to seniority cum merit cum ACR.” *(emphasis supplied)*

14) Thus the requirement of possessing 7 years experience, possessing a Post Graduate (Masters) degree with 50% marks, and evaluation of ACR, were introduced for promotion to the post of Assistant Headmaster/ Assistant Headmistress from the post of PGT.

15) As regards amended Rule 5 is concerned, which dealt with promotion of PGTs to the post of Assistant Headmaster/ Assistant Headmistress, the petitioners contend that the criteria for promotion to the said post could not have been altered from what it was under the Rules of 2005.

16) In particular, they contend that previously they were able to get promotions to the post of Assistant Headmaster/ Assistant Headmistress solely on the basis of seniority-cum-merit-cum-ACR, but the new requirement of possession of a Master's Degree with 50% marks including B.Ed, has deprived them of the said chance of being considered for promotion, and the

introduction of the said requirement in the amended Rule 5 in the Rules of 2022, violates Art.14 of the Constitution of India.

17) They also compare these Rules with a notification dt.31.10.2006 providing method of recruitment to the post of Assistant Headmaster/ Assistant Headmistress in Higher Secondary schools controlled by the School Education Department in the State of Tripura and contend that different treatment cannot be given to similar class of employees – one employed in private managements receiving aid from the Government, and those employed in Government schools.

18) In the Rules of 2005, there were only 12 rules. There was no provision in the said Rules for re-deployment of PGTs appointed in any aided private school to another. But Rule 13 was introduced in the Rules of 2022 under a notification dt.30.11.2022 which stated as under:

“13. New Clauses to be incorporated in Rule 13:-

(i) In case any Grant-in-Aid Schools found non-functional (Non-feasible due to very poor enrolment), the said school may be taken up/ merged/ close down by the Government and the teaching and non-teaching staff of that school may be adjusted with nearest GIA school as per requirement by the Director of Secondary Education.

(ii) Existing excess teaching and non-teaching staff of GIA School may be redeployed to the nearest GIA School with shortage of staff as a onetime measure according to the needs of different Grant-in-aid schools of the State by the Director of Secondary Education.

(iii) *In case any in-service teaching and non-teaching employee comes from another GIA school by redeployment, his/her seniority will be determined in the seniority list with effect from the date of his/her joining in service in the first joining school.*

(iv) *If there is no eligible candidate (teacher) available for appointment to the post of HM/AHM in a particular GIA School, as per written requirement of the managing committee, the Director of Secondary Education may depute HM/AHM from Govt. school to that school till such eligible candidate is found.*

(v) *Every new recruitment to the post of teaching and non-teaching staff in Grant-in-Aid schools shall be borne in the School Education Cadre. An administrative review shall be done in every five years by Director of Secondary Education and the excess teaching/non-teaching staff may be redeployed to other nearest GIA School based on the need analysis supported by written requisition of Managing Committee of shortage schools.*

(vi) *The Grant-in-Aided schools which do not fulfill the norms (preferably in regard to number of students enrolled) of the Department those schools may be absorbed/ taken over/ merged with nearest school by the State Government.*

(vii) Since there is single post (School wise) for the appointment to the post of HM/AHM in Grant-in-Aid Schools, the School shall follow the RR made for appointment to the post of HM/AHM by Government Schools.

(viii) Appointment of teachers (UGT, GT, PGT) will be made on the basis of recommendation of TRBT and the said appointment will be given by Managing Committee from the list of selected candidates provided by the Director of Secondary Education to each GIA Schools. These Rules shall not be applicable for Minority Grant-in-Aided School.

(ix) The school will take necessary steps for expenditure incurred in organizing post school such as games and sports and others co-curricular activities. Hence, the School authority may collect fees from the students to meet such expenditure.”

19) Relying on Rule 13, the Director of Secondary Education, Tripura issued a memo dt.26.06.2024 notifying re-deployment of nine numbers of PGTs from the aided schools where they had been appointed, to other aided schools noted against their name in Col. No.3 of the list attached to it, with their existing scale of pay plus other admissible allowances per month.

20) In that list, petitioner in WP(C) No.629/2024 is shown at serial No.4, and the petitioner in WP(C) No.630/2024 is shown at serial No.2. They

were shifted to other privately managed schools from the place they had been working as PGTs.

21) However on 31.08.2024, the Director of Secondary Education, Tripura issued another memo staying the re-deployment of 3 of the teachers mentioned in memo dt.26.06.2024, while not interfering with the re-deployment of others mentioned in the same memo, including the petitioners in these two Writ Petitions.

22) This action of the Director of Secondary Education, Tripura is alleged by the petitioners in WP(C) No.629/2024 and WP(C) No.630/2024 to be arbitrary, discriminatory and violative of Art.14 and 16 of the Constitution of India.

23) They allege that the newly added clause i.e. Rule 13, had been misused and abused by the respondents to render them step-motherly treatment.

24) It is contended that the promotional prospects of both the petitioners in these two Writ Petitions, had been curtailed by virtue of the re-deployment to a different school as their position in the seniority list became lower in the school to which they were re-deployed.

25) Petitioners contend that when they were appointed specifically in a particular private management receiving aid from the State Government, it was not permissible, by introducing Rule 13 and effecting their re-deployment to other private managements.

26) Petitioners further contend that the amendment to Rule 5 and incorporation of Rule 13 in the Rules of 2005, cannot be applied to persons who were appointed prior to 30.11.2022, as it would be against the service

conditions and terms of appointment. According to them, if retrospective effect given to the Rules of 2022, it would cause prejudice to them as their original orders of appointment did not include transfer in the guise of re-deployment; and at the time of their appointment, they were unaware of having to get 50% marks in Post Graduate courses for being eligible to be considered for promotion to the post of Assistant Headmaster/ Assistant Headmistress.

27) The Tripura (Non-Govt.) Teachers' Association, which is the first petitioner in WP(C) No.631/2024 also reiterates the same, and the second petitioner in the said Writ Petition, contends that because he does not possess a Master's Degree with 50% marks including B.Ed, he has been left out of the zone of consideration for getting promotion to the post of Assistant Headmaster, and that such a restriction and limitation on promotion to the post of Assistant Headmaster/ Assistant Headmistress, is arbitrary, unreasonable and beyond the scope and ambit of the terms and conditions mentioned in the appointment order of the PGTs working in different grant-in-aid schools in the State.

28) It is further pointed out that possession of such a requirement, is not mandatory for appointment to the post of Assistant Headmaster/ Assistant Headmistress by way of promotion from the post of PGTs working in Government schools, and such discriminatory treatment to PGTs working in grant-in-aid schools, violates Art.14.

29) As regards Rule 13, it is contended that many PGTs had preferred grant-in-aid schools over Government schools for the simple reason that their

services were not transferrable, but now transfer has been made an incident of service by way of introducing Rule 13.

30) Petitioner in WP(C) No.503/2025 had even challenged the promotion of the eighth respondent in the said Writ Petition as Assistant Headmaster on ad-hoc basis, on the ground that he is senior to the eighth respondent, but he has been deprived of promotion to the post of Assistant Headmaster on the ground that he did not get 50% marks in Master's degree.

The stand of the State Government:

31) In the Counter Affidavit filed by the State Government in the Writ Petitions, it is contended that the amendment in 2022 to the grant-in-aid Rules, was necessitated by changing circumstances of the grant-in-aid schools, and to ensure that the grant-in-aid schools contribute to the educational goals as per the provisions of the National Education Policy, 2020 to ensure quality education.

32) According to respondents, Rule 13 was introduced in view of the decline in enrolment to some grant-in-aid schools over a period of years, and instances of such schools are given in the Counter Affidavit. It is pointed out that in view of the decline in the student enrolment, it was necessary to withdraw the services of certain teaching and non-teaching staff members from schools. Instances of some grant-in-aid schools possessing excess teaching and non-teaching staff, and also other schools having increased enrolment but facing staff shortages, are given, and it is sought to be justified that rationalization of postings of PGTs was necessary in these circumstances, and that was why Rule 13 was introduced.

33) As regarding the introduction of the requirement of possession of 50% marks in Post Graduation along with B.Ed is concerned, it is stated that the Right to Education Act, 2009 mandates that there should be no compromise in the quality of education, which can only be achieved through qualified teachers, and that the National Council for Teacher Education (NCTE) had issued guidelines on 23.08.2010 specifying that teachers must have at least 50% marks in graduation/post graduation along with a B.Ed.

34) The issuance of the memo dt.31.08.2024 by the Directorate of Secondary Education staying re-deployment of three PGTs, is sought to be justified on medical and other grounds, and it is stated that it does not mean cancellation of the previous order of re-deployment issued to them; that it was only a temporary measure taken by the Department, which could be revoked later when the reason for staying would be met up.

35) It is stated that it is within the competency of the employer to change the service rules, or to alter and to amend the same regarding avenues of promotion necessitated by administrative exigencies, and there is no right conferred upon any employee to claim that Rules governing conditions of service should be kept unaltered forever.

36) It is contended that prescription of qualifications and other conditions of service including avenues of promotion and criteria to be fulfilled for such promotion, pertain to the field of policy, within the exclusive domain and jurisdiction of the State Government, and the State Government is competent to change the Rules relating to a service, and alter or amend and vary by addition/deletion of qualifications, eligibility criteria and other conditions of service including avenues of promotion from time to time.

37) It is contended that the State is also entitled to amalgamate departments or bifurcate departments into more, and constitute different category of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing the existing cadres/posts and creating new cadres/posts.

38) According to the respondents, no employee of the State had a right to claim that Rules governing conditions of his service, should be the same forever as they were existing when he entered into service for all purposes.

Consideration by the Court:

39) Having regard to the stand taken by the respective parties, the following questions emerge for consideration:

(A) Whether the amendment to Rule 5 of Tripura Grant-in-Aid (Government Aided Schools) Rules, 2005 by the Tripura Grant-in-Aid (Government Aided Schools) 1st Amendment Rules, 2022 is valid, legal and enforceable?

(B) Whether Rule 13 introduced by the Tripura Grant-in-Aid (Government Aided Schools) 1st Amendment Rules, 2022 is valid and is enforceable?

(C) Whether the action of the respondents in re-deploying the petitioners in WP(C) No.629/2024 and WP(C) No.630/2024 on 26.06.2024, and the subsequent stay of such re-deployment of three PGTs by the State Government is valid? and

(D) Whether the promotion of the eighth respondent in WP(C) No.503/2025 is valid?

Questions (A) & (B)

40) From the facts narrated above, it is clear that prior to 2022, promotion from the post of PGT to Assistant Headmaster/ Assistant Headmistress, did not contain a requirement of possession of Post Graduate (Master Degree) with 50% marks including B.Ed.

41) Also initially the petitioners' services began as PGTs in privately aided schools from their initial dates of appointment in the said schools, and there was no condition of transfer in their appointment orders.

42) The question is whether these things could have been altered by the State Government at all in the Rules of 2022.

43) It is settled law that it is always within the competency of an employer to change the service rules or to alter and to amend the same regarding avenues of promotion/transfer necessitated by administrative exigencies, and there is no right conferred upon any employee to claim that rules governing conditions of service should be kept unaltered forever.

44) In *P.U. Joshi and Others v. Accountant General, Ahmedabad and Others*¹, it was held:

“10. We have carefully considered the submissions made on behalf of both parties. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and

¹ (2003) 2 SCC 632

criteria to be fulfilled for such promotions pertain to the field of policy is within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the statutory tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing the existing cadres/posts and creating new cadres/posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or

accrued at a particular point of time, a government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service.” *[emphasis supplied]*

45) This was reiterated in *K.A. Nagamani v. Indian Airlines and Others*². It was held in that case that authorities are entitled to determine all conditions of service, alteration thereof by amending rules, constitution, classification, abolition of posts, cadres or categories of service, amalgamation or bifurcation of departments, reconstitution, restructuring of the pattern, etc., as the same pertain to the field of policy within the exclusive jurisdiction of the employer, subject to limitations or restrictions envisaged in the Constitution.

46) In view of this settled legal position, we hold that the introduction of the requirement of possessing a Post Graduate (Master Degree) with 50% marks including B.Ed for the purpose of promotion from the post of PGT to Assistant Headmaster/ Assistant Headmistress, is within the purview of the State Government.

47) Whether these modifications are necessary or not, is not to be decided by this Court as this Court is not an expert in the arena of education to determine whether prescription of such a qualification in the amended Rule 5, is necessary or not necessary. This Court cannot substitute its opinion to that of the State Government.

48) The respondents have sought to justify the same on the ground that such amendments were necessary to ensure quality education as provided

² (2009) 5 SCC 515

in the National Education Policy, 2020. According to them, the NCTE had issued guidelines on 23.08.2010 specifying that teachers must have at least 50% marks in graduation/post graduation along with a B.Ed.

49) In our opinion, this stand of the respondents cannot be said to be arbitrary or unreasonable. Therefore, we do not find the amendment to Rule 5 done by the Rules of 2022, to be in anyway arbitrary or illegal.

50) Coming to Rule 13, the same had been extracted above. Obviously, from experience, the State had noticed that several grant-in-aid schools had become non-functional or non-feasible due to very poor enrolment, that some of them had shortage of staff, but others had excess staff (both teaching and non-teaching), and it was decided that rationalization of teaching and non-teaching staff is necessary for making optimum use of the services of the existing teaching and non-teaching staff while protecting their seniority.

51) That was why Rule 13(iii) laid down that their seniority will be determined in the seniority list with effect from the date of their joining in service in the first joining school.

52) If such rationalization, is not done, it would have resulted in the termination of services of teaching staff, whose services are not in a position to be utilized for teaching the students because of low student strength. Such rationalization is thus in the interest of the PGTs who would otherwise lose their jobs, if there were not enough students in the grant-in-aid school to which they were appointed. Since this issue is also within the exclusive domain of the State Government, it cannot be said that Rule 13 is also arbitrary or unconstitutional.

53) Therefore the vires of the amended Rule 5 as well as Rule 13 in the Tripura Grant-in-Aid (Government Aided Schools) 1st Amendment Rules, 2022 notified on 30.11.2022, is upheld.

54) We also reject the contention of the petitioners that the service rules, which existed at the time of petitioners' appointment as PGTs in the different Government aided private schools, cannot be altered at a later point of time by the State Government.

55) As held by the Supreme Court in *State of Himachal Pradesh and Others v. Raj Kumar and Others*³, an employee does not acquire any vested right to be considered for promotion in accordance with rules existing at the time of their appointment which had been subsequently modified by a policy decision taken by the government as in the instant case. In the said judgment, it was held at para 82 as under:

*“82. A review of the fifteen cases that have distinguished **Rangaiah** would demonstrate that this Court has been consistently carving out exceptions to the broad proposition formulated in **Rangaiah**. The findings in these judgments, that have a direct bearing on the proposition formulated by **Rangaiah** are as under:*

*82.1 There is no rule of universal application that vacancies must be necessarily filled on the basis of the law which existed on the date when they arose, **Rangaiah** case must be understood in the context of the rules involved therein.*

³ (2023) 3 SCC 773

82.2 *It is now a settled proposition of law that a candidate has a right to be considered in the light of the existing rules, which implies the “rule in force” as on the date consideration takes place. The right to be considered for promotion occurs on the date of consideration of the eligible candidates.*

82.3 *The Government is entitled to take a conscious policy decision not to fill up the vacancies arising prior to the amendment of the rules. The employee does not acquire any vested right to being considered for promotion in accordance with the repealed rules in view of the policy decision taken by the Government. There is no obligation for the Government to make appointments as per the old Rules in the event of restructuring of the cadre is intended for efficient working of the unit. The only requirement is that the policy decisions of the Government must be fair and reasonable and must be justified on the touchstone of Article 14.*

82.4 *The principle in **Rangaiah** need not be applied merely because posts were created, as it is not obligatory for the appointing authority to fill up the posts immediately.*

82.5 *When there is no statutory duty cast upon the State to consider appointments to vacancies that existed prior to the amendment, the State cannot be directed to consider the cases.”*

[emphasis supplied]

56) We respectfully follow the above decision of the Supreme Court. The view we have taken, is also fortified by a Division Bench judgment of this Court pronounced on 09.09.2024 titled *Sri Ratneswar Debnath and Others v. The State of Tripura and Others*⁴.

Question (C)

57) No doubt on 26.06.2024, nine PGTs, including the petitioners in these cases, were moved from the grant-in-aid school in which they had been appointed, to a different grant-in-aid school.

58) The redeployment of the petitioner in WP(C) No.629/2024 and the petitioner in WP(C) No.630/2024, were within the city of Agartala, and no serious prejudice by such transfers can be said to have been caused to them, particularly when their seniority is protected under Rule 13(iii) as mentioned above.

59) But the grievance of the petitioners is that the transfers made of three others by name Smt. Ratna Das, Sri Himadri Sekhar Das and Smt. Monalisa Debbarma along with them in the memo dt. 26.06.2024, was mysteriously stayed on 31.08.2024.

60) The justification offered for staying these transfers by the respondents, was that it was a temporary measure and it was on account of medical or other grounds.

61) Till date of hearing of these cases in January, 2026, the stay of re-deployment of the above 3 PGTs has been continuing since 31.08.2024.

62) If the stay was only a temporary measure, it would not have continued from August, 2024 till date.

⁴ WP(C) No.105/2024

63) It is not permissible for the respondents to selectively implement Rule 13 for the petitioners in these Writ Petitions [WP(C) No.629/2024 and WP(C) No.630/2024], and not implement it for the three persons mentioned, for almost 16(sixteen) months, and claim that it was only temporary.

64) We deprecate this conduct on the part of the Directorate of Secondary Education, Government of Tripura, and hold that the memo dt.31.08.2024, is issued not for any *bona fide* reason, but to benefit the three individuals mentioned therein on account of extraneous reasons, and the said memo dt.31.08.2024 therefore cannot be sustained. It is accordingly struck down, and the respondents are directed to notify the re-deployment of those three individuals also forthwith.

Question (D)

65) Since we have upheld Rule 5, no grievance can be made by the petitioner in WP(C) No.503/2025 to the promotion of eighth respondent therein to the post of Assistant Headmaster by applying amended Rule 5. Therefore, this issue is held against the said petitioner.

66) Accordingly, the two Writ Petitions i.e. WP(C) No.629/2024 and WP(C) No.630/2024 are partly allowed, and the memo dt.31.08.2024 issued by the Director of Secondary Education, Government of Tripura, is quashed, and the said official is directed to implement the memo dt.26.06.2024 in respect of Smt. Ratna Das, Sri Himadri Sekhar Das and Smt. Monalisa Debbarma forthwith.

67) WP(C) No.631/2024 and WP(C) No.503/2025 are both dismissed, and the ad-hoc promotion of the eighth respondent in WP(C) No.503/2025 given by memo dt.17.08.2025, is upheld.

68) Pending application(s), if any, shall stand disposed of.

(BISWAJIT PALIT, J)

(M.S. RAMACHANDRA RAO, CJ)



Pijush/