



TRHC010009122025

2026:THC:552

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C)No.323 of 2025

Shri Rupak Biswas,
S/o- Lt Rakesh Biswas of Chentail,
Kailasahar, Unokoti, Tripura – 799279.

... Petitioner(s).

Versus

1.The State of Tripura, represented by the
Secretary of Higher Education,
New Secretariat Complex, Agartala, Kunjaban-799006.

2.The Director,
Department of Higher Education,
Govt. of Tripura, Shiksha Bhawan, Agartala-799001.

3.Tripura Public Service Commission represented by the
Secretary, Agartala, Tripura.

4.University Grants Commission, represented by its
Secretary, Bahadur Shah Zafar Marg, New Delhi-110002.

....Respondent(s).

B E F O R E

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

For Petitioner(s) : Mr. D. Bhattacharya, Sr. Advocate.
Ms. R.Bhattacharjee, Advocate.

For Respondent(s) : Mr. Kohinoor N.Bhattacharyya, GA.
Mr. Kundan Pandey, Advocate.

Date of hearing : 03.03.2026

Date of delivery of
Judgement & Order : 30.04.2026

Whether fit for reporting :

YES	NO
	✓

JUDGMENT AND ORDER

Heard learned counsel of both sides.

[2] Learned Sr. Counsel, Mr. Debalay Bhattacharya for the petitioner submits that an advertisement was issued vide No.05/2025 (Annexure-7) on 31.01.2025 by the Tripura Public Service Commission

[here-in-after referred to as 'TPSC'] for filling up several vacant posts of Assistant Professor in different disciplines in the Government (General) Degree Colleges and said advertisement also contains total 14 numbers of vacant posts in the discipline of 'Political Science'. According to learned counsel of the petitioner, the eligibility criteria, as was mentioned in the advertisement, were in conformity with the essential qualifications as mentioned in the Recruitment Rules [here-in-after referred to as 'RR'] meant for the post of such Assistant Professor.

[3] According to learned Sr. Counsel, the petitioner intended to apply for the said post in respect of the discipline 'Political Science', but, he is having the Masters degree in 'Public Administration' which comes within the group of 'allied subject' of Political Science as mentioned in the said advertisement. Therefore, according to learned Counsel, the petitioner possesses such required qualification for the post of Assistant Professor in respect of discipline Political Science. He attempted to apply online for the post in due time, but he was denied. Thereafter, he sent a mail dated 05.03.2025 in this regard for allowing him to apply for the said post and as it appears, simultaneously, another representation was also received from another prospective candidate.

[4] The TPSC, thereafter, vide letter dated 13.03.2025(Annexure-R/3) referred the matter to the Secretary, Education (Higher) Department seeking views of the parent department in this regard. The State Government thereafter, formed a committee vide memorandum dated 19.03.2025 (Annexure-R/4) which was also further re-constituted vide memorandum dated 25.03.2025, and after taking the opinion of the said Expert Committee into consideration, the Addl. Secretary to the Govt. of Tripura vide communication dated 01.04.2025, sent the clarification to the TPSC in the following manner :

“.....

- I. **For the post of Assistant Professor in Commerce:-**
A candidate should have
 - (i) **Master Degree in Commerce and**
 - (ii) **NET/SLET/SET/Ph.D in Commerce****As essential Qualifications**
- II. **For the post of Assistant Professor in Political Science :-**
A candidate should have
 - (i) **Master Degree in Political Scienc and**
 - (ii) **NET/SLET/SET/Ph.D in Political Science****As essential Qualifications**

- III. For the post of Assistant Professor in Environmental Science :-
A candidate should have**
- (i) Master Degree in Environmental Science and
(ii) NET/SLET/SET/Ph.D in Environmental Science**
As essential Qualifications
- IV. For the post of Assistant Professor in Botany :-
A candidate should have**
- (i) Master Degree in Botany and
(ii) NET/SLET/SET/Ph.D in Botany**
As essential Qualifications.....”

[5] Now, it is the grievance of the present petitioner that in the name of such clarification, the respondents have already altered the RR by deleting the words ‘allied subject’ in the column of ‘Essential Qualifications’ for the said post and now as per the said clarification, only a candidate who is having Master’s degree in Political Science can apply for the said post and the persons who are having Master’s degree in allied subjects are debarred from applying for said post.

[6] Learned Counsel, Mr. Bhattacharya, submits that on an earlier occasion also, a similar advertisement was issued vide advertisement No.1/21 by TPSC (Annexure-13) which also included the matter of filling up of 4 vacant posts in the discipline of ‘Political Science’ and similar to the present advertisement, in that advertisement also it was mentioned that a person having 55% marks in the Master’s degree in a concerned/relevant/allied subject from an Indian University can apply for the same, and when the petitioner submitted his application in the said selection process, his application was accepted by the respondents, but, this time he has been debarred from the said post due to omission of said words ‘allied subject’ in the subsequent clarificatory notification.

[7] Being aggrieved by the same, the petitioner has filed this present writ petition seeking following reliefs:

“.....

(a) to set aside/ quash the Notification F.11(36-54)-RECTT/TPSC/2024-74 dated 17.04.2025;

(b) to set aside/ quash the Notification F.11(28-4)-RECTD/TPSC/2022 dated 19.05.2025;

(c) directing the respondents & each of them to accept letters of request dated 24.03.2025 and 30.04.2025;

(d) to direct the Respondents to allow the Petitioner to participate in the Advertisement no.05/2025 in the post of Assistant Professor, Political Science discipline.....”

[8] Learned Sr. Counsel, Mr. Debalay Bhattacharya strenuously argues that the Rule of game cannot be changed when the game has already been started and moreover, such Expert Committee has no authority to change, directly or indirectly, the RR or the main advertisement. According to learned Sr. Counsel, if such clarificatory notification is allowed to remain on force, required essential qualifications for the said post as available in the RR as well as in the main advertisement will be altered and scope of the prospective applicants to submit their application for the said post will be narrowed down. Learned Sr. Counsel also submits that he is not pressing at this stage, for any scrutiny by this Court as to whether the petitioner has the eligibility for applying for the said post or not, and whether the subject, Public Administration comes within the category of 'allied subject' or not. But his basic challenge is regarding issuance of said clarificatory letter dated 17.04.2025 (Annexure-8) by which said expert opinion was carried out mentioning that for the post of Assistant Professor, only candidates having Master's degree in Political Science shall be allowed to apply for.

[9] In support of his submission, learned Sr. Counsel also relies on a decision of Hon'ble Supreme Court in case of **Abhay Kumar Patel and Others vs. State of Bihar and Others; (2026) SCC OnLine SC 20**. In said case, during continuation of a recruitment process, the Bihar Engineering Service, Class-II Recruitment Rules, 2019, under which said recruitment process was initiated, was changed vide Bihar Engineering Service, Class-II Recruitment (Amendment) Rules of 2022, giving retrospective effect of the same, from the date when the original Rule of 2019 came into force and thereby introducing some weightages for the candidates who were casual worker in the department. Challenging the retrospective operation of said amendment of 2022, writ petition was filed by the affected candidates, which was dismissed. Finally, Hon'ble Supreme Court held that such amendment cannot be applied retrospectively as the recruitment process in question was initiated under the 2019 Rules, governing the selection on the date of issuance of the advertisement and therefore, the said amendment Rules of 2022 had no application in the said recruitment process.

[10] Learned Sr. Counsel therefore, prays for quashing the said notification dated 17.04.2025 (Annexure-8) and with further direction to allow the petitioner to apply for the said post.

[11] Learned counsel, Mr. Kundan Pandey for the TPSC, strenuously argues that it is the parent department who is to decide regarding the required eligibility of the candidates who are to be selected for a particular post and in the case in hand, they have constituted Expert Committee to explain which are to be treated as 'allied subject' in respect of discipline 'Political Science' and here, the duly constituted Expert Committee has given their own opinion based on which the application of the petitioner was not allowed and said Expert Committee report was submitted in respect of the representation submitted by the petitioner.

[12] Learned Counsel also submits that in the writ jurisdiction, what should be the eligibility criteria of a candidate for a particular post cannot be revisited by the Court. Learned Counsel, Mr. Pandey also relies on a decision of Hon'ble Supreme Court in case of **Maharashtra Public Service Commission through its Secretary vs. Sandeep Shriram Warade and Others; (2019) 6 SCC 362**, wherein Hon'ble Supreme Court at paragraph 9 observes that the essential qualifications for appointment to a post are for the employer to decide and the employer may prescribe additional or desirable qualifications, including any grant of preference. It is the employer who is best suited to decide the requirement of a candidate must possess according to the needs of the employer and the nature of work and the court cannot lay down condition of eligibility, much less can it delve into the issue with regard to desirable qualification being on a par with the essential eligibility by an interpretative re-writing of the advertisement.

[13] Mr. Pandey, Learned Counsel also relies on another decision of Hon'ble Supreme Court in case of **Union of India vs. Uzair Imran and Others; (2024) 20 SCC 345** wherein at paragraph 22, the following were observed by the Hon'ble Supreme Court:

"22. Normally, it is not the function of the court to determine equivalence of two qualifications and/or to scrutinise a particular certificate and say, on the basis of its appreciation thereof, that the holder thereof satisfies the eligibility criteria and, thus, is qualified for appointment. It is entirely the prerogative of the

employer, after applications are received from interested candidates or names of registered candidates are sponsored by the Employment Exchanges for public employment, to decide whether any such candidate intending to participate in the selection process is eligible in terms of the statutorily prescribed rules for appointment and also as to whether he ought to be allowed to enter the zone of consideration i.e. to participate in the selection process. It is only when evidence of a sterling quality is produced before the court which, without much argument or deep scrutiny, tilts the balance in favour of one party that the court could decide either way based on acceptance of such evidence.”

[14] Learned GA, Mr. Kohinoor N. Bhattacharyya also submits that in the advertisement the use of words ‘relevant/ allied subject’ are only suggestive of the fact of certain alternative arrangement and main subject is the Political Science, and it is for the department to decide whether against the discipline of Political Science they will take any other subject into consideration as allied subject or relevant subject and in the case in hand the Expert Committee has already decided that only the candidates having Master’s degree in Political Science shall be taken into consideration which is completely within the domain of an employer. Therefore, according to learned GA no interference is required in the writ petition.

[15] Learned GA also relies on a decision of Hon’ble Supreme Court in case of **Shifana P.S. vs. State of Kerala and Others; (2024) 8 SCC 309**, wherein the followings were observed in paragraph 12 and 13:

“12. Indisputably, the qualifying criteria prescribed for the post advertised vide Notification dated 30-4-2008 was a degree in BSc (Chemistry). Admittedly, the appellant does not hold such a degree. It is the case of the appellant that BSc (Polymer Chemistry) degree acquired by her is required to be treated as equivalent to a degree in B.Sc (Chemistry). However, the said argument does not hold water and is misconceived.

13. This Court in the case of *Zahoor Ahmad Rather v. Sk. Imtiyaz Ahmad* held that judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification. *Therefore, the equivalence of a qualification is not a matter that can be determined in the exercise of the power of judicial review. Whether a particular qualification should or should not be regarded as equivalent is a matter for the State, as the recruiting authority, to determine.* (emphasis supplied)”

[16] Learned GA relies on another decision of Hon'ble Supreme Court in case of **Md. Firoz Mansuri and Others vs. State of Bihar and Others; 2026 SCC OnLine SC 88**; wherein at paragraph no. 59 it was observed that it is for the employer to determine and decide the relevancy and suitability of qualification. The power of judicial review in the matters of recruitment is limited to examining legislative competence, arbitrariness or violation of fundamental rights, if any. Court cannot rewrite the service rules, determine the equivalence of qualification, or substitute their own assessment for that of the employer.

[17] In reply to the submissions made by the learned counsel of the respondents, learned Sr. Counsel, Mr. Debalay Bhattacharya relies on another decision of Hon'ble Supreme Court in case of **Rajbir Singh Dalal (Dr.) vs. Chaudhari Devi Lal University, Sirsa and Another; (2008) 9 SCC 284** and more particularly paragraph no. 31 and 41 of said decision which are also extracted hereunder:

"31. We agree with Mr. Patwalia, learned counsel, that it is not appropriate for this Court to sit in appeal over the opinion of the experts who are of the view that Political Science and Public Administration are interrelated and interchangeable subjects, and hence a candidate who possesses Masters degree in Public Administration is eligible for the post of Lecturer in Political Science and vice versa. We are told that a large number of persons having qualifications in the interchangeable/interrelated subjects have been appointed Readers/ Professors/ Lecturers and are continuing as such in various colleges and universities in the State.

41. In view of the above, we are of the opinion that the decision of this Court in Bhanu Prasad Panda (Dr.) case cannot be read as a Euclid's formula or treated as a precedent, since it has not given any reason for holding that Political Science and Public Administration are distinct and separate subjects, and since the aforesaid decision was given on a concession."

[18] The Court has appreciated the submissions of learned counsel of both sides and also considered the decisions as referred by both the parties as discussed above. The concerned Advertisement No.5 of 2025 contains the essential qualifications for the post of Assistant Professor and in Paragraph No. (I)A(i), the followings are prescribed:

"(I) ESSENTIAL QUALIFICATIONS:

A (i) A Master's Degree with at least 55% of the marks (or equivalent grade in a point-scale wherever the grading system

is followed) in a concerned/relevant/allied subject from an Indian University on an equivalent degree from an accredited foreign University.

(ii) *** ”

[19] As it appears, the essential qualifications as mentioned in the said advertisement were prescribed maintaining conformity with what is prescribed in the related RR. In the said RR also similar essential qualifications are specified as mentioned in the said advertisement. Thus, it is clear that both as per the RR as well as per the advertisement, the required qualifications for the post of Assistant Professor is Master's Degree with at least 55% marks or equivalent grade in the point-scale whenever the grading system is followed in the concerned/relevant/allied subject (emphasis laid) from an Indian University. But while giving clarification to the same, the Expert Committee constituted for the purpose has restricted the academic qualifications for the post of Assistant Professor in Political Science only to MA in Political Science in the following manner:

**“II. For the post of Assistant Professor in Political Science:-
A Candidate should have
i) Master Degree in Political Science and
ii) NET/SLET/SET/Ph.D in Political Science as Essential Qualifications.”**

[20] The matter was referred to the said Expert Committee by the Director of Higher Education for examining the equivalency of the subjects on being referred to them by TPSC seeking clarification and not to change or narrow down the requisite qualifications as embodied in the RR or in the advertisement. But, going beyond the point of reference for such clarification regarding equivalency of subject, they have even removed the 'equivalent subject' itself so far the discipline 'Political Science' is concerned. Such act of the Committee is beyond their authority. They were supposed to simply clarify as to what was the allied subject of Master Degree in Political Science and whether the subject 'Public Administration' fell within the category of allied subject or not. They have travelled beyond what was sent to them for clarification. Therefore, the letter dated

01.04.2025 issued by the Additional Secretary to the Govt. of Tripura to the under Secretary, TPSC [Annexure-R/6 to the counter affidavit] and subsequent notification dated 17.04.2025 issued by the Secretary, TPSC are required to be quashed only with reference to the subject Political Science.

[21] Accordingly, the writ petition is allowed. The letter dated 01.04.2025 issued by the Additional Secretary to the Govt. of Tripura to the under Secretary, TPSC [Annexure-R/6 to the counter affidavit] and subsequent notification dated 17.04.2025 issued by the Secretary, TPSC are hereby quashed so far it relates to the subject in Political Science.

[22] The petitioner is given liberty to submit a fresh representation to the TPSC authority with all necessary supporting documents to justify his claim that his subject 'Public Administration' comes within the purview of allied subject of Political Science, within 7 days on receipt of copy of this judgment.

[23] The respondents shall thereafter decide whether the said subject 'Public Administration' can be treated as allied subject of 'Political Science', within two weeks thereafter and shall communicate their v, with a reasoned decision, to the petitioner within next one week.

[24] If it is found by the respondents that said subject of the petitioner is the allied subject of 'Political Science', he shall be allowed to submit his application for the post of Assistant Professor. The entire process shall preferably be completed within four weeks on receipt of the copy of this judgment by the respondents.

[25] The writ petition is accordingly disposed of. Interim application(s), if any, shall also stand disposed.

JUDGE