

**HIGH COURT OF TRIPURA  
AGARTALA**

WP(C)No.207 of 2026

Dr. Swarajit Debbarma

---Petitioner(s)

Versus

The State of Tripura and 4 Others

----Respondent(s)

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For Petitioner(s) : Mr. Somik Deb, Sr. Adv.  
Mr. Jishan Samed, Adv.

For Respondent(s) : Mr. Mangal Debbarma, Addl. G.A.

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**HON'BLE MR. JUSTICE BISWAJIT PALIT**

**Order**

**08/05/2026**

Learned Senior Counsel Mr. Somik Deb assisted by Mr. Jishan Samed, Learned Counsel appears for the petitioner.

Learned Addl. G.A. Mr. M. Debbarma appears on behalf of the State-respondents produces one office file Note No.01 in reference to this case mentioning that in view of the filing of the writ petition the department has taken initiative for promotion to the present petitioner and one Dr. Dipen Roy and also one Dr. Ashit Bhattacharya who filed a separate writ petition bearing No. W.P.(C)178 of 2026 and by order dated 20.03.2026 in that case a direction was given to keep one post vacant till disposal of the writ petition.

Learned Senior Counsel also urged before this Court to pass a similar direction to address the grievance of said Dr. Swarajit Debbarma. He further drawn the attention of the Court referring the final seniority list dated 17.01.2026 [Annexure-8] wherein the name of the present petitioner Dr. Swarajit Debbarma has been shown to be in serial No.1 as ST, No.2 Dr. Dipen Roy, No.3 Dr.

Anupam Debnath, No.4 Dr. Anindya Debnath, No.5, Dr. Ijack Debbarma, No.6 Dr. Swarup Sarkar in the department of Orthopedics. The department in their respective file has been initiated a proposal for consideration of the higher authority the following points:

- (i) to treat diploma holders as an eligible for Assistant Professor or,
- (ii) eligibility for Assistant Professor to be restricted to only PGT/DNB holders.

However, no final decision has been taken by the authority which prima facie appears from the official note.

Learned Senior Counsel drawn the attention of the Court to the Tripura Medical Education (Administrative & Faculty) Service Conditions Rules, 2015 [Annexure-1] wherein in page No.29 the essential qualification and experience in respect of promotion to the post of Assistant Professor is mentioned herein below:

| Category & No. of Post.                          | Name of Post               | Age                                                                                                                                                                                   | Educational and other qualifications required for Appointment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Group-A (Gazetted)</b><br><br><b>74 Posts</b> | <b>Assistant Professor</b> | <b>No.age.bar for promotion</b><br><br><b>For direct recruitment.</b><br><br><b>50 years (Upper age limit is relaxable by 5 years for ST, SC, PH and govt. in-service candidates)</b> | <b>i.80% of the posts will be filled up by promotion, failing which by direct recruitment.</b><br><br><b>ii. 20% posts by direct recruitment, failing which by promotion.</b><br><br><b>Essential qualification and experience:</b><br><br><b>a) <u>Teaching &amp; research experience for promotion</u></b><br><br><b>i. Promotion to be made from the Post of Basic Teacher (Tutor/Registrar) having 3 (three) years experience in the grade with requisite qualification as prescribed by MCT and as amended from time to time.</b><br><br><b>ii. Minimum qualifications as prescribed by the MCI and specified in the "Minimum qualification for Teachers in</b> |

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|--|--|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  |  | <p>Medical Institutions Regulations, 1998, (published in Part-III), Section 4 of the Gazette of India dated 5.12.1998 and as amended from time to time.</p> <p>b) <u>Qualification required for direct appointment</u></p> <p>i) MBBS degree included in the First Schedule or Second Schedule or Part-II of the Third Schedule of the Indian Medical Council Act, 1956 (102 of 1956) and requisite Post Graduate degree for the Specialties group and requisite post-doctoral degree for the Super Specialties group, as prescribed by the MCI and specified in the "Minimum Qualification for the Teachers in Medical Institutions Regulations, 1998" as amended from time to time.</p> <p>ii) Candidate should have minimum 2 (two) years of teaching experience. Provided that the teaching experience rendered as Demonstrator or Resident Medical Officer-cum-Clinical Tutor and Lecturer, during the course of Post Graduate training in that particular discipline in a Recognized Medical Teaching Institution shall also be reckoned as teaching experience.</p> |
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He further referred Annexure-5 of the Teachers Eligibility Qualifications in Medical Institutions Regulations, 2022 wherein in page No.73 in Regulation 16 it is specifically mentioned that the minimum qualifications for Teacher in Medical Institution Regulations, 1998 is hereby repealed. Again he has drawn the attention of the Court by referring page 65 of the said Annexure-5 where in Table 4.A the following has been mentioned:

Table 4.A Surgical Broad Specialties with Academic qualification:

| S.No. | Name of the Specialty | Academic Qualification | Method of Recruitment                                          | Academic Qualifications during Transition period                              |
|-------|-----------------------|------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------|
| 4.    | Orthopedics           | MS/DNB (Orthopedics)   | As per Table 1A under section 6 in the Subject of Orthopaedics | Not applicable as ten years from the date of notification to start the course |

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|--|--|--|--|------------------------------------|
|  |  |  |  | from erstwhile<br>MCI is completed |
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He further submitted that the said regulation has been further superseded by the subsequent Medical Institutions (Qualifications of Faculty) Regulations, 2025 of National Medical Commission notification dated 30.06.2025 wherein by the said notification the Teachers Eligibility Qualifications in Medical Institutions Regulations, 2025 has been superseded. In the said notification against the post of Assistant Professor in column No.d the following has been mentioned:

**“(d) diploma holders appointed as Senior Residents in a recognized medical institution before 08.06.2017 having total experience of four years as Senior Resident;”**

Now referring the said clause Learned Senior Counsel drawn the attention of this Court that the present petitioner has been serving as Basic Teacher (Tutor, Registrar/Senior Resident) with effect from 04.04.2016 i.e. before the cut-off date as mentioned in the said regulation. But in spite of having requisite qualification according to Learned Senior Counsel the respondent-authority is not considering his candidature for promotion to the post of Assistant Professor. In this regard he submitted representation to the department but that was not considered which compelled the petitioner to file this writ petition. *Prima facie* it appears to this Court that the present petitioner has got the requisite qualification for promoting to the post of Assistant Professor, if he is eligible in all other aspects. So it is ordered that till disposal of the writ petition the respondent authority shall keep one post vacant for promotion to the post of Assistant Professor if by this time the

department has initiated any proposal for promotion for the post of Assistant Professor.

However, as sought for by Learned Addl. G.A. Mr. M. Debbarma appearing for the respondents to file counter-affidavit, request is considered.

List this matter on 03.08.2026.

A copy of this order be supplied to Learned Addl. G.A. Mr. M. Debbarma in the course of the day for information and compliance.

Also a copy of this order be supplied to Learned Senior Counsel for the petitioner for information.

**JUDGE**