



**HIGH COURT OF TRIPURA
AGARTALA
W.P.(C) No.486 of 2026**

Smt. Sangita Sharma
D/O: Sri Upendra Chandra Sharma,
R/O: Rabindrapalli, Govt. Quarter, Type-IV, 19,
P.O.: Agartala, P.S.: West Agartala, Dist: West Tripura,
PIN: 799001, Aged about: 50 years.

----- Petitioner(s)

Versus

1. The State of Tripura
Represented by its Secretary,
Higher Education Department, Govt. of Tripura,
P.O.: Secretariat, P.S.: New Capital Complex, Dist: West
Tripura, PIN: 799001.

2. The Director,
Higher Education Department, Govt. of Tripura,
P.O.: Agartala, P.S.: West Agartala, Dist: West Tripura,
PIN: 799001.

3. The Tripura Public Service Commission,
Represented by its Secretary, Akhaura Road,
P.O.: Agartala, P.S.: West Agartala, Dist: West Tripura,
PIN: 799001.

4. The Secretary,
Tripura Public Service Commission,
Akhaura Road, P.O.: Agartala, P.S.: West Agartala,
Dist: West Tripura, PIN: 799001.

5. The Controller of Examination,
Tripura Public Service Commission, Akhaura Road,
P.O.: Agartala, P.S.: West Agartala, Dist: West Tripura,
PIN: 799001.

-----Respondents

For Petitioner(s)	:	Mr. Arijit Bhaumik, Adv.
For Respondent(s)	:	Mr. Karnajit De, Addl. G.A.
Date of Hearing & Judgment and Order	:	15.07.2026
Whether fit for Reporting	:	NO

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order(Oral)

This writ petition is filed by the petitioner seeking the following reliefs:

- i. Issue notice upon the Respondents
- ii. Call for the records,
- iii. Issue Rule calling upon the Respondents to show cause as to why the representations submitted by the Petitioner which are marked as Annexure-11 (collectively) shall not be considered to enable the Petitioner to be extended with age relaxation so as to participate in the selection process for the post of Assistant Professor in education subject in furtherance of advertisement no. 05/2025.

AND

Issue rule calling upon the Respondents to show cause as to why an appropriate direction shall not be issued upon the Respondents allow the Petitioner to participate in the selection process for the post of Assistant Professor (education) in furtherance of the advertisement dated 30.01.2025 bearing advertisement no. 05/2025 issued by the Tripura Public Service Commission.

- iv. And after hearing the parties, be pleased to make the rule absolute.

AND/OR

Pass any other order/orders as deemed fit and proper.

AND

For this act is kindness your humble Petitioner as in duty bound shall ever remain grateful.

02. Heard Learned Counsel, Mr. Arijit Bhaumik appearing on behalf of the petitioner and also heard Learned Addl. G.A., Mr. Karnajit De appearing on behalf of the respondents.

03. Taking part in the hearing, Learned Counsel for the petitioner drawn the attention of this Court that the petitioner is in government service and is serving as Staff Nurse under the Directorate of Health Services, Government of Tripura and an advertisement has been issued by the TPSC vide advertisement No.05/2025 wherein the TPSC has

given advertisement for filling up the post of Assistant Professor, Group-A, gazetted under Government General Degree Colleges on different subjects. According to Learned Counsel in the said advertisement following clause is mentioned in respect of age:

"Age:- Maximum 40 years as on 07.03.2025. Relaxable by 5(five) years in case of SC/ST/PH candidates and Government servants. However, Government servants belong to SC/ST/PH category will not get the further relaxation of 5(five) years which they are already entitled to get as SC/ST/PH candidates."

It is further by Learned Counsel that the petitioner is at present 49 years of age and being a Government Servant she is eligible for five years relaxation in respect of age but since she has come across 45 years of age as such normally she is not eligible for applying for the said post and in this regard, the Government of Tripura by a notification dated 20.01.2007 (Annexure-13) granted relaxation in upper age limit up to 45 years from 37 years and as such in view of the said notification she is also eligible for relaxation of age and in this regard the petitioner submitted representation to the Authority of the Department but that has not been considered. So, the petitioner has filed this writ petition for directing the respondents to consider relaxation of age and although to participate in the process of selection against the advertisement issued by TPSC vide No.05/2025. Learned Counsel further submitted that since by the said notification dated 20.01.2007, the relaxation was granted for filling up to 344 vacant posts of Assistant

Professor, Govt. (General) Degree Colleges of Tripura during the year 2006 and 2007, so, similar relaxation may be granted by the Government and the case of the petitioner may be considered by relaxation her age for participation in the said process of selection in the light of said notification dated 20.01.2007.

04. Learned Additional G.A., Mr. K. De on instructions appeared and submitted that there is no cause of action in the writ petition that relaxation as referred by Learned Counsel for the petitioner was considered as one time relaxation by the Government which cannot be applied as precedent in this case and urged for dismissal of this writ petition.

05. Heard both the sides. Admittedly, the petitioner is a Government Servant and her present age is 49 years. As per advertisement vide No. 05/2025 the requirement in respect of age is maximum 40 years on 07.03.2025 which is relaxable by five years in case of ST/ST/PH candidates and Government Servants. Since the petitioner is at present 49 years of age, so, there is no scope on the part of the petitioner to apply for the post against the said advertisement vide No.05/2025. The notification dated 20.01.2007 as relied upon by the petitioner issued by the Government was onetime relaxation for filling up of certain posts of Assistant Professor. The present petitioner cannot

rely upon the said notification as precedent because it is the matter of policy of the Government to consider relaxation of age. The petitioner in this case save and except the aforesaid assertions could not place any other grounds to consider her grievance by issuing any rule and as such the petitioner is not entitled to any relief in this writ petition. In this regard in **Kusum Ingots & Alloys Ltd. v. Union of India & Anr.** reported in **(2004) 6 SCC 254**, in para Nos.6, 16 & 18, Hon'ble the Apex Court observed as under:

"Cause of action

6. Cause of action implies a right to sue. The material facts which are imperative for the suitor to allege and prove constitute the cause of action. Cause of action is not defined in any statute. It has, however, been judicially interpreted inter alia to mean that every fact which would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the Court. Negatively put, it would mean that everything which, if not proved, gives the defendant an immediate right to judgment, would be part of cause of action. Its importance is beyond any doubt. For every action, there has to be a cause of action, if not, the plaint or the writ petition, as the case may be, shall be rejected summarily.

16. In Union of India v. Adani Exports Ltd. [(2002) 1 SCC 567] it was held that in order to confer jurisdiction on a High Court to entertain a writ petition it must disclose that the integral facts pleaded in support of the cause of action do constitute a cause so as to empower the Court to decide the dispute and the entire or a part of it arose within its jurisdiction.

18. The facts pleaded in the writ petition must have a nexus on the basis whereof a prayer can be granted. Those facts which have nothing to do with the prayer made therein cannot be said to give rise to a cause of action which would confer jurisdiction on the Court."

From the aforesaid observation of the Hon'ble Supreme Court of India, it appears that in absence of any valid cause of action, there is no scope to entertain any writ

06. In view of the above, in absence of any valid cause of action, it appears to this Court that the petitioner has failed to make out any case to issue any rule and accordingly, this present writ petition stands dismissed being devoid of merit.

With this observation, this present writ petition stands disposed of.

Pending application(s), if any, also stands disposed of.

JUDGE

Purnita

