



**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.317 of 2025

Smti. Bela Datta,

W/o Sri Niladhvaj Banarjee,
Of-Dashamighat, Joynagar Road No.9, (near Mahabir Club),
P.S.-West Agartala, West Tripura.
Presently posted as Female Jailor,
Sonamura Sub-Jail, Sepahijala Tripura.

.....Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary to the Government of Tripura Home (Jail) Department, New Capital Complex, P.O.-Kunjaban, Agartala, West Tripura.

2. The Inspector General of Prisons, Tripura, Prisons Directorate, P.O.-Dhaleswar, Agartala, West Tripura.

3. The Superintendent, Sonamura Sub-Jail, Sepahijala Tripura.

----Respondent(s)

For Petitioner(s)	:	Ms. Rajasree Purkayastha, Adv.
For Respondent(s)	:	Mr. Saktimoy Chakraborty, Adv. General Mr. Pradyumna Gautam, Sr. GA
Date of hearing	:	23.06.2026
Date of delivery of Judgment & Order	:	29.06.2026
Whether fit for reporting	:	YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

Heard Learned Counsel, Ms. Rajasree Purkayastha appearing on behalf of the petitioner. Also heard Learned Advocate General, Mr. Saktimoy Chakraborty along with Learned Sr. GA, Mr. Pradyumna Gautam appearing on behalf of the respondents-State.

2. The petitioner has filed this writ petition seeking the following reliefs:

“(I) ISSUE RULE, calling upon the respondents and each one of them, to show cause as to why Writ of Certiorari and/or in the nature, shall not be issued, for quashing/setting aside the impugned decision of the Respondent No.2, communicated to the petitioner under reply vide No.F.700/IGP/2023 dated 01.05.2025 (Annexure-E), thereby not finding the petitioner eligible for promotion to the post of

Deputy Superintendent of Home (Jail) Department declaring the same to be illegal and unconstitutional.

(II) ISSUE RULE, calling upon the respondents and each one of them, to show cause as to why Writ of Mandamus and/or in the nature, shall not be issued, for mandating/directing the respondents, for promoting the petitioner to the post of Deputy Superintendent under Home Jail Department with retrospective effect i.e. w.e.f. 04.10.2023 and thereafter provide her all consequential service benefits accordingly.

(II) CALL FOR THE RECORDS appertaining to this petition;

(III) COSTS of and incidental to this proceeding;

(IV) Any other RELIEF(S) as to this Hon'ble High Court may deem fit and proper;"

3. Taking part in the hearing, Learned Counsel for the petitioner submitted that on 24.09.1997, the petitioner joined in the service as a Female Sub-Jailor under Home (Jail) Department through TPSC and since then she has been serving sincerely without any barrier or blemish on her service record. It was further submitted that she was a gold medalist in the "Six Month Correctional Administrative Training Course" from Sampurnanand Jail Training Institute, Uttar Pradesh, Lucknow in the year 2001 and had also undergone training on Vertical Interaction Course, Human Rights in Prison Management, Govt. of India and some others. Learned Counsel for the petitioner further submitted that as per the recruitment rules, a Sub-Jailor becomes entitled to promotion to the post of Jailor after completion of 10 years of continuous service. Since the petitioner joined in service in the year 1997 and her 10 years of service completed in the year 2007 as such, she was eligible for getting promotion but for any reason she was not given promotion to the post of Female Jailor. Thereafter, the petitioner filed a writ petition bearing WP(C) No.201 of 2015 before this Court and in pursuance of the judgment and order of this Court dated 11.03.2016, the petitioner was given promotion and appointed to the post of Female Jailor vide order dated 04.10.2018 (Annexure-

B). It was further submitted by Learned Counsel that during the year 2018-2020, the petitioner was posted at Kendriya Sansodhanagar, Bishalgarh as Jailor and thereafter, she was transferred to Sonamura Jail wherein she continued serving as Jailor successfully till date. Thus, she became eligible for promotion to the post of Deputy Superintendent. Further, it was also submitted that as per the recruitment rules, the post of Deputy Superintendent shall be filled up by promotion from Jailor/Probation Officer with 5 years of experience in the grade. The Tripura Sansodhanagar Rules, 2021 came into effect w.e.f. 08.12.2021 and after implementation of the said rules, promotion has been given to one Sri Prasenjit Das to the post of Deputy Superintendent on 04.05.2022. However, inspite of having eligibility, on completion of 5 years of service as Female Jailor on 04.10.2023, the petitioner was not given promotion to the post of Deputy Superintendent. In this regard, on 06.11.2023, she submitted a prayer to the respondent No.2 but that was not considered. After that, the petitioner again filed a case before this Court bearing WP(C) No.826 of 2024 and this Court by judgment and order dated 07.01.2025 directed the respondents to consider the matter of promotion of the present petitioner for the post of Deputy Superintendent (Home) Jail. The said order was communicated to the respondent authority but the respondents did not comply with the same. Thereafter, she filed one contempt petition and in the contempt proceeding, after receipt of notice, a letter was communicated vide communication dated 01.05.2025 to the petitioner that she was not found eligible for promotion to the post of Deputy Superintendent. (Annexure-E). According to Learned Counsel for the petitioner, as per recruitment rules, there was no gender discrimination for Male

Jailor/Female Jailor for promotion to the post of Deputy Superintendent and as such, she was eligible for promotion. However, from the communication dated 01.05.2025, it appears that on the ground of gender discrimination her promotional scope has been curtailed by the respondent authority. Accordingly, she was compelled to file this writ petition again before this Court seeking redress.

Further, Learned Counsel, Ms. Rajasree Purkayastha in course of hearing relied upon one judgment of the Hon'ble Apex Court in **Secretary, Ministry of Defence vs. Babita Puniya & Ors.**, reported in **(2020) 7 SCC 469**, wherein in para Nos.68-70 Hon'ble the Apex Court observed as under:

"68. Seventy years after the birth of a post-colonial independent State, there is still a need for change in attitudes and mindsets to recognise the commitment to the values of the Constitution. This is evident from the submissions which were placed as a part of the record of this Court. Repeatedly, in the course of the submissions, this Court has been informed that:

68.1. The profession of Arms is a way of life which requires sacrifice and commitment beyond the call of duty.

68.2. Women officers must deal with pregnancy, motherhood and domestic obligations towards their children and families and may not be well-suited to the life of a soldier in the Armed Forces.

68.3. A soldier must have the physical capability to engage in combat and inherent in the physiological differences between men and women is the lowering of standards applicable to women.

68.4. An all-male environment in a unit would require "moderated behaviour" in the presence of women officers.

68.5. The "physiological limitations" of women officers are accentuated by challenges of confinement, motherhood and child care.

68.6. The deployment of women officers is not advisable in areas where members of the Armed Forces are confronted with "minimal facility for habitat and hygiene".

69. The submissions advanced in the note tendered to this Court are based on sex stereotypes premised on assumptions about socially ascribed roles of gender which discriminate against women. Underlying the statement that it is a "greater challenge" for women officers to meet the hazards of service "owing to their prolonged absence during pregnancy, motherhood and domestic obligations

towards their children and families” is a strong stereotype which assumes that domestic obligations rest solely on women. Reliance on the “inherent physiological differences between men and women” rests in a deeply entrenched stereotypical and constitutionally flawed notion that women are the “weaker” sex and may not undertake tasks that are “too arduous” for them. Arguments founded on the physical strengths and weaknesses of men and women and on assumptions about women in the social context of marriage and family do not constitute a constitutionally valid basis for denying equal opportunity to women officers. To deny the grant of PCs to women officers on the ground that this would upset the “peculiar dynamics” in a unit casts an undue burden on women officers which has been claimed as a ground for excluding women. The written note also relies on the “minimal facilities for habitat and hygiene” as a ground for suggesting that women officers in the services must not be deployed in conflict zones. The respondents have placed on record that 30% of the total women officers are in fact deputed to conflict areas.

70. These assertions which we have extracted bodily from the written submissions which have been tendered before this Court only go to emphasise the need for change in mindsets to bring about true equality in the Army. If society holds strong beliefs about gender roles – that men are socially dominant, physically powerful and the breadwinners of the family and that women are weak and physically submissive, and primarily caretakers confined to a domestic atmosphere – it is unlikely that there would be a change in mindsets. Confronted on the one hand with a solemn policy decision taken by the Union Government allowing for the grant of PC to women SSC officers in ten streams, we have yet on the other hand a whole baseless line of submissions solemnly made to this Court to detract from the vital role that has been played by women SSC officers in the line of duty.”

Relying upon the same, Learned Counsel submitted that the fact of the present case is covered by the principle of the aforesaid observation made by the Hon'ble Supreme Court in the aforementioned case which may be applied in the case.

4. Learned Advocate General appearing on behalf of the respondents-State submitted that although the recruitment rule for the post of Deputy Superintendent is silent but for the post of Female Jailor separate recruitment rule was framed by the Government and furthermore, the petitioner as a matter of right cannot claim promotion until there is gross violation of natural justice. So, Learned Advocate

General urged before this Court to direct the petitioner to submit a representation without issuing any mandamus and in that event the same may be considered by the respondent authority.

The respondents-State have contested the present writ petition by filing counter affidavit denying the assertions of the petitioner regarding the claim of promotion but admitted the other facts and prayed for dismissal of the writ petition.

5. I have heard both the sides and perused the writ petition and the documents as well as the counter affidavit filed by the said respondents. I have also gone through the citation referred by the Learned Counsel for the petitioner.

6. It is the admitted position that in pursuance of the direction of this Court, the petitioner who had joined as Female Sub-Jailor on 24.09.1997 was promoted to the post of Jailor in pursuance of judgment and order dated 11.03.2016 in WP(C) No.201/2015. It is also the admitted position that the Government of Tripura has framed separate recruitment rules for the post of Female Jailor. The respondents in the counter affidavit could not submit anything adverse against the performance of the present petitioner as Sub-Jailor and thereafter as Jailor during her entire period of service. It is also the settled position of law that as a matter of right a person cannot claim promotion from the Department but at the same time it is also true that promotion is considered by the authority if the performance of a particular employee is satisfactory to his/her earlier post which he/she was serving. In this case, the petitioner promoted to the post of Jailor from the post of Sub-Jailor in the year 2018 and since then she was discharging the functions as Jailor initially in the Kendriya Sansodhanagar Bishalgarh and thereafter in Sonamura Jail till date

satisfactorily and as per recruitment rules, she was eligible for promotion to the post of Deputy Superintendent although, by this time, the Government has promoted one Prasenjit Das as Deputy Superintendent on 04.05.2022. Furthermore, on the basis of gender discrimination the right of the petitioner being woman cannot be curtailed by the Authority for promotion.

In the recruitment rules relied upon by the petitioner, it appears that there is no gender discrimination in the said recruitment rules regarding promotion of any Female Jailer to the post of Deputy Superintendent. So, in absence of any specific rule there is no legal scope to deprive the petitioner to be promoted to the post of Deputy Superintendent (Home) Jail on the ground of gender discrimination.

Learned Advocate General in course of hearing could not discard the said submission of the Learned Counsel for the petitioner although he in his usual fairness submitted that the petitioner as a matter of right cannot claim for promotion until and unless there is gross violation of the principles of natural justice. But regarding the communication dated 01.05.2025 (Annexure-E), Learned Advocate General could not give any specific clarification regarding sustainability of the said communication which appears to be contrary to the recruitment rules framed by the Government vide Notification dated 10.09.1982. In the writ petition bearing WP(C) No.826 of 2024, a co-ordinate Bench of this Court vide judgment and order dated 07.01.2025 directed the respondents to consider the case of the petitioner for promotion to the post of Deputy Superintendent although the same has not been complied with.

Thus, it appears to this Court that the respondent authority failed to consider the direction passed by this Court vide judgment and

order dated 07.01.2025 in WP(C) No.826 of 2024 rather the respondents issued the impugned communication dated 01.05.2025 (Annexure-E), which in my considered opinion was not proper and in accordance with the settled principle of law.

7. In view of the above, the writ petition filed by the petitioner is hereby allowed. The communication dated 01.05.2025 written by Inspector General of Prisons, Tripura to the petitioner (Annexure-E) stands quashed as the same appears to be contrary to the principles of natural justice.

The respondents authority may consider the case of the petitioner within a period of 3(three) months for promotion to the post of Deputy Superintendent (Home) Jail, if she is found eligible in all criteria and also in accordance with the norms.

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

A copy of this judgment and order be communicated to the office of Learned Advocate General of Tripura who may take up the matter with the respondents authority for consideration of the case of the petitioner in accordance with the guideline/rules. The petitioner is also at liberty to communicate this judgment and order to the respondent authority within a period of 7(seven) days from the date of receipt of a copy of this judgment and order.

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

JUDGE