



HIGH COURT OF TRIPURA
AGARTALA

CIVIL APPELLATE SIDE

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High Court of Tripura,
Agartala
Authorized u/s Sec. 1 of 1972

W.P.(C) No. 191 of 2015

Appeal from
Sri Partha Roy & 7 Ors.

Appellant
Petitioners

Versus
The State of Tripura & 5 Ors.

Respondents
Opposite Party

For Appellant/Petitioner

Mr. A. Bhowmik, Adv.

Ms. S. Chakraborty, Adv.

Mr. D.C. Roy, Adv.

Mr. A.K. Bhowmik, Sr. Adv.

Mr. R. Dasgupta, Adv.

Respondent/Opposite Party:

G.A.

10/28
05/10/2017
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High Court of Tripura,
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5/10/17



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 Authorized u/s 76, Act. 1 of 1972

WP(C) No.191/2015
BEFORE
THE HON'BLE THE CHIEF JUSTICE MR T. VAIPHEI
HON'BLE MR. JUSTICE S. TALAPATRA

Present :
 For the petitioners : Mr. A.K. Bhowmik, Sr. Advocate.
 Ms. A. Banik, Advocate.
 For the respondents : Mr. B.C. Das, Advocate General.
 Mr. B. Datta, Advocate.
 Mr. D. Sharma, Advocate.

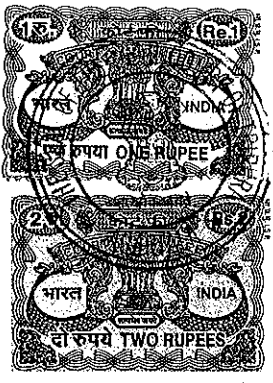
16.12.2016

Heard Mr. A.K. Bhowmik, the learned senior counsel assisted by Ms. A. Banik, the learned counsel for the petitioners. Also heard Mr. B.C. Das, the learned Advocate General representing the State of Tripura and Mr. D. Sharma, the learned counsel for the Architecture.

In this writ petition, the prayers sought for by the petitioners are:-

- (i) To issue Writ of Mandamus to create separate wing/department of Architects and frame separate cadres service rules for the Architects under the Public Works Department, Government of Tripura; and
- (ii) To direct the respondents authorities to provide promotional avenue for the Architects from the post of Junior Architect Decree Holder(Technical) serving under the Public Works Department, Government of Tripura.

In so far as the second prayer is concerned, following the framing of Recruitment Rules, 1993(2nd amendment 2015) for the post of Assistant Architect under the Public Works Department by the State-respondents, the grievance of the petitioners have admittedly been redressed. However, with respect to the first prayer i.e. creation of separate Architectural Wing/Departments, the learned Advocate General has forcefully submitted that this prayer cannot be considered by this Court inasmuch this is a policy matter and, therefore, the prerogative



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of the State Government. According to the learned Advocate General, Courts do not interfere with the creation or non-creation of a post or department, which should be best left to the State Government.

We have given our anxious consideration to this submission of the submission of the learned Advocate General. Be that as it may, we cannot be oblivious of the fact that a statutory body like Council of Architecture in its 61st meeting held on 24-02-2014 has passed the following resolution:

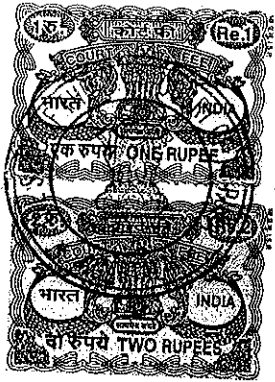
"10. Creation of separate Architectural wings/departments in all States/UTS and separate cadres of Architects for Architects in Government services."

That apart, Mr. D. Sharma, the learned counsel for the Architecture has pointed out to us that even Central Public Works Department has created a separate Architectural Wings in all the States/UTs for its units and as such, it is appropriate the State-respondents also create a separate Architectural Wings for its Architectures inasmuch as the functions of the Architecture and the functions of the Engineers cannot be said to be one and the same.

On considering the matter from all angles, we are of the view that this writ petition can be disposed of by directing the State-respondents to examine the case of the petitioners for creation of separate Architectural Wings under the Public Works Department keeping in mind the aforesaid resolution dated 24.02.2014 and the letter dated 22-11-2007 of the Registrar, Council of Architecture, addressed to the Secretary, Public Works Department, Government of Tripura and in accordance with law. Order accordingly. The exercise shall be completed by them within a period of 3(three) months from the date of receipt of this order.

Sd/- S. Talapatra Sd/- T. Vaiphei
 Judge Hon'ble The Chief Justice

Dipesh



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WP(C) No. 191/2015



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