

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 256 of 2022

1. The Covid Warrior Medical officer's Association, Manipur through its Secretary, Dr. Govind Thokchom, aged about 29 years, S/o Shantikumar Thokchom of Singjamei Mathak Thokchom Leikai, P.O. Imphal, P.S. Singjamei, Imphal West District, Manipur — 795001.
2. Dr. Liko Thokchom, aged about 29 years, S/o Thokchom Kesho Singh of Kwakeithel Heinoukhongnembu Thokchom Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur — 795001.
3. Dr. Khulem Ronesh Meetei, aged about 30 years, S/o Khulem Tejmani Meetei of Sagolband Loukham Leirak, P.O. Imphal, P.S. Lamphel, Imphal West District, Manipur - 795001.
4. Dr. Govind Thokchom, aged about 29 years, S/o Shantikumar Thokchom of Singjamei Mathak Thokchom Leikai, P.O. Imphal, P.S. Singjamei, Imphal West District, Manipur — 795001.
5. Dr. Rahul Kshetrimayum, aged about 29 years, S/o Ksh. Joykumar Singh of Kongpal Kshetri Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur — 795005.
6. Dr. Mayanglambam Shivdatta Singh, aged about 28 years, S/o Mayanglambam Damodar singh of Kwakeithel Mayai Koibi Chabungbam Leikai, P.O. Imphal, P.S. lamphel, Imphal West District, Manipur — 795001.

7. Dr. Rojit Laishram, aged about 30 years, S/o Laishram Kunjo of Kakwa Lamdaibung, P.O. & P.S. Singjamei, Imphal West District, Manipur — 795008.

... Petitioners.

-Versus-

1. The State of Manipur represented by the Addl. Chief Secretary (Health), Government of Manipur, Old Secretariat Block, P.O. & P.S. Imphal, Imphal West District, Manipur — 795001.
2. The Director, Health Services, Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur — 795004.
3. The Manipur Public Service Commission, through its Secretary, North AOC, DM Road, Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur — 795001.
4. The Controller of Examination, Manipur Public Service Commission, North AOC, DM Road, Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur — 795001.

... Respondents.

WP(C) No. 257 of 2023

1. Dr. Yumkham Ratnadwip Singh, aged about 31 years, S/o Yumkham Tikendra, resident of Lairikyengbam Leikai, Mayai Leirak, P.O. Lamlong, P.S. Heingang and District Imphal East, Manipur-795010.
2. Dr. Khumujam Amitkumar Singh, aged about 34 years, S/O Khumujam Maniton Devi, a resident of Thoubal Thokchom Village, P.O. Thoubal, P.S. Yairipok, Thoubal District, Manipur-795138.

3. Dr. Bikash Yumlembam, aged about 27 years, S/o Y. Tomba Singh, a resident of Porompat Kshetri Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.
4. Dr. Thingujam Robart Meitei, aged about 29 years, S/o Thingujam Taruni Devi, a resident of Thoubal Wangkhem, P.O. & P.s. Thoubal, Thoubal District, Manipur-795138.
5. Dr. Md. Iqbal Hussain, aged about 27 years, S/o Md. Abdul Majid, a resident of Haoreibi Makha Leikai, P.O. & P.S. Lilong, Thoubal District, Manipur-795130.
6. Dr. Pheiroijam Tingku Singh, aged about 31 years, S/o Pheiroijam Sharat Singh, a resident of Kongpal Kongkham Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur-795005.
7. Dr. Sonia Mairembam, aged about 29 years, D/o Mairembam Noren Singh, a resident of Thangmeiband Hijam Dewan Leikai, Opp. A.G. Colony, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
8. Dr. Thingujam Chingkheinganba Singh, aged about 27 years, S/o Thingujam Kumar Singh, a resident of Singjamei Chirom Leikai, P.O. & P.S. Singjamei, Imphal East District, Manipur-795009.
9. Dr. L. Bhaskar Singh, aged about 27 years, S/o L. M. Singh, a resident of Takhellambam Leikai, Sagolband, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
10. Dr. Kshetrimayum Romance Singh, aged about 29 years, S/o Kshetrimayum Sarat Singh, a resident of Wangjing Lamding

Bazar, P.O. Wangjing, P.S. Thoubal, Thoubal District, Manipur-795138.

...Petitioners

-Versus-

1. The State of Manipur, through the Additional Chief Secretary (Health), Govt. of Manipur, Manipur Secretariat Building, South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
2. The Director of Health Services, Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
3. The Secretary, Manipur Public Service Commission, North A.O.C., P.O. & P.S. Imphal, Imphal West District, Manipur-795001.

... Respondents

WP(C) No. 295 of 2022

1. Dr. Laishram Milan Singh, aged about 31 years old, S/O Laishram Kantikumar Singh a resident of Nagamapal Chungkham Leirak, P.O. and P.S. Lamphel, Imphal West District, Manipur.
2. Dr. Md. Kamil Ahamed, aged about 35 years old, S/O Md. Jiyauddin a resident of Yairipok Kekru Gwarok Road, P.O. and P.S. Tairipok, Imphal East District, Manipur.

... Petitioners

-Versus-

1. The State of Manipur represented by the Addl. Chief Secretary (Health), Government of Manipur, Old Secretariat Block, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

2. The Director, Health Services, Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.
3. The Manipur Public Service Commission, through its Secretary, North AOC, DM Road, Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.
4. The Controller of Examination, Manipur Public Service Commission, North AOC, DM Road, Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur – 795001.

... Respondents.

WP(C) No. 363 of 2022

1. Mr. Khumukcham Priyokumar Singh, aged about 28 years, S/O Khumukcham Pahari Singh, resident of Kakching Khunou Sana Khongnang Leikai, PO Kakching, PS Waikhong, District Kakching, Manipur – 795103.
2. Mr. Thongram Romikanta Singh, aged about 28 years, S/O Thongram Sharat Singh, resident of Thoubal Athokpam Awang Leikai, PO & PS Thoubal, District Thoubal, Manipur – 795138.
3. Mr. Soram Ngangbaren aged about, aged about 25 years, S/O S. Manikanta Singh, resident of Thangmeiband DM College Gate, PO & PS Lamphel, District, Imphal West, Manipur – 795004.
4. Mr. Naorem Shankar Singh, aged about 27 years, S/O Naorem Jugeshwar Singh, resident of Kakching Ninghtou Leikai, Kalimohon Pareng, PO & PS Kakching, District Kakching, Manipur – 795103.

5. Mr. Rajkumar Victor Singh, aged about 29 years, S/O Rajkumar Rashakhishore Singh, resident of Yaiskul Sanakhwa Yaima Kollup, PO & PS Imphal, District Imphal West, Manipur – 795001.
6. Mr. Ksh. Kennedy Singh, aged about 26 years, S/O Ksh. Naba Singh, resident of Kakching Mayai Leikai near Multipurpose Community Hall, PO & PS Kakching, District Kakching, Manipur – 795103.
7. Ms. Th. Ashapriya Devi, aged about 27 D/O Thengujam Rabei Singh, resident of Khurkhul Makha Leikai near Spinning Mill, PO & PS Mantripukhri, District Imphal East, Manipur – 795002.
8. Ms. Ruksana Shahani, aged about 26 years, D/O Md. Akbar Shah, resident of Hiyangthang Tarahei Konjil, PO & PS Wangoi, District Imphal West, Manipur – 795009.

.....Petitioners

-Versus-

1. The State of Manipur represented by the Additional Chief Secretary/Secretary (Health), Government of Manipur, Secretariat, South Block, Babupara, P.O. & P.S. Imphal, District Imphal West, Manipur – 795001.
2. The Director of Health Services, Manipur, Directorate of Health Services, Government of Manipur, Lamphelpat, PO & PS Lamphel, District Imphal West, Manipur – 795004.
3. The Manipur Public Service Commission represented by its Secretary, Office at North AOC, near 2nd MR Gate, PO & PS Imphal, District, Imphal West, Manipur - 795001.

.... Respondents

WP(C) No. 412 of 2022

1. Dr. Muhammad Shoaib Khan, aged about 25 years, S/O Muhammad Abas Khan, resident of Sangaiyumpham Puleipokpi, PS Thoubal, PO Sangaiyumpham, District Thoubal, Manipur – 795148.
2. Dr. Lalan Singam, aged about 27 years, D/O Singam Raghubir Singh, resident of Porompat Thawanthaba Leikai, PO & PS Porompat, District Imphal East, Manipur – 795005.
3. Dr. Dianacy Ningthoujam, aged about 25 years, D/O Ningthoujam Basanta Singh, resident of Thanga Salam Leikai, PO & PS Moirang, District Bishnupur, Manipur – 795133.
4. Dr. Kshetrimayum Luxmipyari Devi, aged about 25 years, D/O Kshetrimayum Nimai Singh, resident of Kwakeithel Laishram Leikai, PO Imphal, PS Singjamei, District Imphal West, Manipur – 795001.
5. Dr. Sushma Khangjarakpam, aged about 28 years, D/O Kh. Priyokumar Singh, resident of Lalambung Makhong Takhellambam Leikai, RIMS Road, PO Lamphel, PS Imphal, District Imphal West, Manipur – 795004.
6. Dr. Lamneihoih Simte, aged about 26 years, D/O T. Thangin Simte, resident of Zioveng, Rengkai, PO, PS & District Churachandpur, Manipur – 795128.

..... Petitioners

-Versus-

1. The State of Manipur represented by the Additional Chief Secretary/Secretary (Health), Government of Manipur, Secretariat, South Block, Babupara, PO & PS Imphal, District Imphal West, Manipur – 795001.
2. The Director of Health Services, Manipur, Directorate of Health Services, Government of Manipur, Lamphelpat, PO & PS Lamphel, District Imphal West, Manipur – 795004.
3. The Manipur Public Service Commission represented by its Secretary, Office at North AOC, near 2nd MR Gate, PO & PS Imphal, District Imphal West, Manipur – 795001.

.... Respondents**BEFORE****HON'BLE THE ACTING CHIEF JUSTICE M.V. MURALIDARAN**

For the Petitioners :: Mr. N. Ibotombi, Sr. Adv. in WP(C) No. 256 of 2022;
Mr. HS Paonam, Sr. Adv. in WP(C) No. 295 of 2022;
Mr. N. Kumarjit, Sr. Adv. & Mr. N. Zequeson, Adv. in WP(C) No. 363 of 2022 & WP(C) No. 412 of 2022;
Mr. BP Sahu, Sr. Adv. in WP(C) No. 257 of 2023;
Mr. RS Reisang, Sr. Adv. for the MPSC

For the Respondents :: Mr. Lenin Hijam, AG

Date of Hearing and
reserving Judgment & Order :: 26.04.2023

Date of Judgment & Order :: **04.05.2023**

JUDGMENT AND ORDER
(CAV)

Heard Mr. N. Ibotombi, learned senior counsel for the petitioners in WP(C) No. 256 of 2022; Mr. HS Paonam, learned senior counsel for the petitioners in WP(C) No. 295 of 2022; Mr. N. Zequeson, learned counsel for the petitioner in WP(C) No. 363 of 2022 and WP(C) No. 412 of 2022; Ms.Th Usharani, learned counsel for the petitioners in W.P.(C) No.257 of 2023; Mr. Lenin Hijam, learned Advocate General for the State respondents and Mr. RS Reisang, learned senior counsel for the Manipur Public Service Commission.

2. W.P.(C) Nos.256 and 295 of 2022 have been filed by Covid Warrior Medical Officer's Association and 8 other Doctors (Six in WP (C) No.256 of 2023 and Two in WP (C) No.265 of 2023) to

(i) quash the letter dated 16.2.2022 issued by the Health Department, Government of Manipur extending the cut-off date for deciding completion of 100 days Covid experience from 31.10.2021 to 25.1.2022 and also extension of the date of submission of Covid duty experience certificate upto 11.4.2022;

(ii) quash the notification dated 5.4.2022 issued by the Controller of Examination, Manipur Public Service Commission (MPSC) thereby

extending the cut-off date for deciding completion of 100 days Covid experience from 31.10.2021 to 25.1.2022 and also extension of the date of submission of the Covid duty experience certificate upto 11.4.2022 and to

(iii) direct the respondents for verification of all the Covid duty experience certificates issued by the Director of Health Services to the Doctors who are going to appear in the examination of Manipur Health Services Grade-IV (Medical Officer) by an independent agency whether the Covid duty experience certificates were issued in accordance with the letter dated 3.5.2021 of the Ministry of Health and Family Welfare, Government of India and the letters dated 27.10.2021 and 14.12.2021 of the Health Department, Government of Manipur and

(iv) direct the respondents to cancel all the Covid duty experience certificates issued to the Doctors who were not engaged by the State Government and not utilized their services in the Health Centre/Facilities under the Government of Manipur.

3. W.P.(C) Nos.363 and 412 of 2022 have been filed by the petitioners, who were served as Junior Resident (non-academic) in RIMS, Imphal to

(i) quash the notification dated 5.1.2022 issued by the MPSC for awarding 10 additional marks in

the written examination to all candidates who have completed 100 days Covid related duties in Health Centres/Facilities under the Government of Manipur as on 31.10.2021 in so far as it relates to awarding of incentive only to candidates who worked under the Government of Manipur;

(ii) quash para (c) portion of the impugned letter dated 5.5.2022 of the Director of Health Service;

(iii) quash para (i) portion of the letter dated 14.12.2021 of the Health Department; and to

(iv) direct the respondent authorities to consider the petitioners also for awarding the additional 10 marks in the written examination in recognition of their Covid related duties rendered at RIMS Hospital.

4. W.P.(C) No.257 of 2023 has been filed by the Doctors who appeared in the written examination for issuance of a writ of mandamus directing the respondents to declare the result of the written examination held on 10.5.2022 for the post of Medical Officer (MHS Grade-IV) pursuant to the advertisement issued by the MPSC dated 1.10.2021.

5. Since issue involved in these writ petitions are one and same, all the writ petitions were heard together and disposed of by this common order.

W.P.(C) Nos.295 and 256 of 2022:

6. Mr. HS Paonam, learned senior counsel appearing for the petitioners in W.P.(C) No.295 of 2022, submitted that on 5.8.2020, a notice was issued by the Director, Health Services, Government of Manipur, for walk-in-interview for contractual engagement of 100 Medical Officers under the Directorate of Health Services for a period of three months for utilizing in Covid related duties. The petitioners, who possessed educational as well as essential qualifications for appointment to the post of Medical Officers and who were also awaiting for an opportunity to serve their trained hand in health care sector, have applied for appointment to the post of Medical Officers on contractual engagement for utilizing in Covid related duties. On 4.5.2021, another notice was issued by the Director of Health Services for contractual engagement of 155 Medical Officers for a period of six months for utilizing in Covid related duties. Satisfied with the qualifications, the Directorate of Health Services appointed the petitioners as Medical Officers on contract basis.

7. Mr. Paonam, learned senior counsel further submitted that the Ministry of Health and Family Welfare, Government of India, in its letter dated 3.5.2021, directed all the State Government and Union Territories to utilize the service of

the MBBS Doctors in the management of Covid-19 and, in the said letter, a recommendation was made to give preference while giving regular appointment under the special scheme to those Doctors who have completed a minimum of 100 days Covid-19 related duties.

8. Mr. Paonam, learned senior counsel would submit that on 1.10.2021, the MPSC issued an advertisement inviting applications from intending candidates for direct recruitment of 300 Medical Officers in Manipur Health Service Grade-IV under Health Department, Government of Manipur. The petitioners, who are eligible to be appointed have applied to the said post. Pursuant to the notification dated 1.10.2021, the MPSC issued a notification on 5.1.2022 informing all the candidates who are going to appear in the examination for appointment in Manipur Health Services Grade-IV and who have Covid duty experience certificates for completing 100 days Covid related duties in Health Centre/Facilities would be given 10 additional marks in the written examination on production of Covid duty experience certificate issued by the Director of Health Service and directed to submit the said certificate on or before 25.1.2022.

9. Mr. Paonam, learned senior counsel, submitted that pursuant to the notification dated 5.1.2022, the petitioners have

submitted their Covid duty experience certificate to the office of the MPSC and the MPSC has also issued notification dated 24.3.2022 fixing the date of written examination on 8.5.2022. In the meanwhile, vide impugned letter dated 16.2.2022, the Health Department ordered extension of cut-off date for deciding completion of 100 days Covid experience upto 25.1.2022 from 31.10.2021 and also for extension of the date of submission of certificates upto 11.4.2022. By another notification dated 8.4.2022, the MPSC re-scheduled the written examination on 10.5.2022.

10. Adding further, Mr. Paonam, learned senior counsel, submitted that more than 300 Covid duty experience certificates have been issued by the office of the Director of Health Services though their services were not utilized as Doctor in the Health Centres/Facilities under the Government of Manipur. Many Doctors who have not completed 100 days Covid related duties were also provided Covid duty experience certificates without proper verification and also many Covid duty experience certificates were issued by the Director even after the cut-off date for deciding completion of 100 days experience.

11. Arguing further, Mr. Paonam, learned senior counsel, submitted that the impugned letter dated 16.2.2022 and the

notification dated 5.4.2022 were issued by the Health Department only to accommodate the Doctors who are their near and dear one and that there is no legal basis for extension of the last date for submission of Covid duty experience certificate and also the extension of cut-off date for deciding completion of 100 days.

12. Mr. N. Ibotombi, learned senior counsel appearing for the petitioners in W.P.(C) No.256 of 2022, submitted that the first petitioner is an Association formed by the Medical Officers appointed by the Director of Health Services on contract basis for utilizing in Covid related duties under the Health Department and the petitioners 2 to 7 are members of the said Association. The petitioners 2 to 7 were appointed as Medical Officers on 22.8.2020 and 11.5.2021 respectively on contract basis and their contract service as Medical Officers were terminated with effect from 16.3.2022. Pursuant to the notification issued by the MPSC dated 01.10.2021, the petitioners 2 to 7 and other members of the Association have applied for the post of Medical Officers of Manipur Health Service Grade-IV and vide notification dated 5.1.2022, they have also submitted their Covid duty experience certificates to the MPSC within the stipulated time.

13. Mr. N. Ibotombi, learned senior counsel would submit that many Doctors who have not completed 100 days Covid

related duties were also provided duty experience certificate without proper verification and many were issued Covid duty experience certificate after the cut-off date for deciding the completion of 100 days Covid experience.

14. Mr. N. Ibotombi, learned senior counsel further submitted that the President and Secretary of the Association submitted a representation dated 25.1.2022 to the State respondents, the Director of Health Services and the MPSC for deferring the recruitment of 300 Medical Officers till the situation of pandemic is improved and also enable the members of the Association who were actively involved in Covid related duties for preparation of the examination. In the said representation, the Association has also pointed out that many Covid duty experience certificates were issued by the Director without proper verification and requested them to verify the genuineness of the certificates. Instead of taking action on the representation, the Health Department by way of the impugned letter dated 16.2.2022 and the notification dated 5.4.2022 extended the last date for submission of the Covid duty experience certificate and also the cut-off date for deciding completion of 100 days Covid duty experience from 31.10.2021 to 25.1.2022.

15. According to the learned senior counsel, the Doctors who are very close with the higher authority of the State Government and who have not completed 100 days Covid related duties as on 31.10.2021 have submitted their certificates issued by the authority without proper verification, which necessitated the petitioners in filing the writ petition challenging the impugned letter and the notification.

16. Mr. Lenin Hijam, the learned Advocate-General appearing for the State respondents, submitted that the impugned letter and the notification were issued by the official respondents having considered the issue and there is no arbitrariness as alleged by the petitioners. He would submit that the contention of the petitioners that the impugned letter dated 16.2.2022 and the notification dated 5.4.2022 were issued by the concerned authority only to give advantage to the Doctors who have not completed 100 days Covid related duties on or before 31.10.2021 is absolutely incorrect and, only after proper verification, the concerned authority has issued the Covid duty experience certificates to the Medical Officers. Therefore, there is no basis in the claim made by the petitioners in W.P.(C) Nos.256 and 295 of 2022. Thus, a prayer has been made to dismiss the writ petitions.

17. Mr. RS Reisang, the learned senior counsel appearing for the respondent MPSC submitted that the Deputy Secretary of Health and Family Welfare, Government of Manipur, sent a letter dated 27.10.2021 to the MPSC for modification of the scheme of examination requisitioned for Manipur Health Services Grade-IV Medical Officers. In the said letter, it has been stated that the individuals providing service in Covid management will be given priority in the forthcoming regular Government recruitments after they complete minimum of 100 days of Covid duty with a further direction that all Doctors who have performed Covid related duties for at least 100 days may be given 10 additional marks in the written examination out of the full marks of 200 to be conducted by the MPSC.

18. Mr. Reisang, learned senior counsel further submitted that the impugned letter dated 16.2.2022 was sent to the MPSC to accept the 100 days Covid duty completion certificates duly signed by Director of Health Services for the period till 25.1.2022 since the newly extended timeline completion of 100 days Covid duty is to be taken as 25.1.2022. Therefore, there is no arbitrariness in the issuing the impugned letter and notification.

19. Mr. Reisang, learned senior counsel further submitted that though the written examination was held, the result of the examination was not declared in view of the interim order passed by this Court. He would submit that there has been a delay of more than one year since the publication of the advertisement and such delay not only affects the sanctity of the recruitment process and recruiting body, but also adversely affects the hopes and aspiration of the aspirants in general and the candidates in particular.

W.P.(C) Nos.363 and 412 of 2022:

20. Mr. N. Kumarjit, learned senior counsel for the petitioners in W.P.(C) Nos.363 and 412 of 2022, submitted that the petitioners were engaged for Covid related duties in Regional Institute of Medical Sciences Hospital (RIMS), Imphal, which is an autonomous institution under the Ministry of Health and Family Welfare, Government of India and the certificates for completion of 100 days of Covid duty have been issued in their favour by the Director of Health Services, Government of Manipur. However, vide letter dated 5.5.2022, the Director of Health Services, has conveyed that certificates issued in respect of Covid related duties in RIMS Hospital shall not be considered for awarding 10 additional marks, as RIMS is not under the Government of Manipur.

21. Mr. N. Kumarjit, learned senior counsel, further submitted that the restriction of awarding of 10 additional marks only to candidates who had completed 100 days Covid related duties in Health Centres/Facilities under the Government of Manipur is arbitrary, illegal and not maintainable in law. He would submit that the incentive of awarding 10 additional marks in the written examination for recruitment of MHS Grade-IV (Medical Officers) to candidates who have completed 100 days Covid related duties has been undertaken by the Government of Manipur upon the recommendation of the Central Government in terms of the letter dated 3.5.2021 of the Ministry of Health and Family Welfare. Arguing so, the learned senior counsel submitted that the impugned letter dated 5.5.2022 as well as the notification dated 5.1.2022 are liable to be quashed so far as the exclusion of the aforesaid incentive scheme to the petitioners on the ground of having completed 100 days of Covid related duties in RIMS, Imphal.

22. Mr. N. Kumarjit, learned senior counsel, urged that the petitioners in W.P.(C) Nos.363 and 412 of 2022 are opposing the issuance of certificates to candidates who were not working in the Covid periods and such non-genuine certificates must be strictly verified and cancelled. However, in the case of petitioners in W.P.(C) Nos.363 and 412 of 2022 is entirely different and their

Covid duties are undisputed and cannot be excluded. Therefore, the exclusion made by the respondent authorities is in violation of the right to equality guaranteed under Article 14 and Article 16 of the Constitution of India. In support, the learned counsel placed reliance upon the decisions of the Hon'ble Supreme Court in the cases of (i) *Union of India and others v. M.Selvakumar and another*, (2017) 3 SCC 504 and *State of Madhya Pradesh and others v. Mala Banerjee*, (2015) 7 SCC 698.

23. Refuting the submissions made by learned senior counsel for the petitioners in W.P.(C) No.363 of 2022 and 412 of 2022, the learned Advocate-General appearing for the State respondents submitted that since the service rendered by the petitioners is not in Health Centres/Facilities under the Government of Manipur, the respondent authorities have rightly not considered the claim of the petitioners, however, now the State Cabinet has taken a decision to extend the benefits of awarding additional 10 marks to the Doctors of RIMS Imphal who were engaged for Covid related duties.

24. This Court considered the rival submissions and also perused the materials available on record.

25. W.P.(C) Nos.256 and 295 of 2022 have been filed by the petitioners alleging that more than 300 Covid duty experience

certificates have been issued by the Director of Health Services, Government of Manipur, though their services were not utilized as Doctors in the Health Centres/Facilities; many Doctors who have not completed 100 days Covid related duties were also provided the Covid duty experience certificates without proper verification and also many certificates were issued by the Director even after the cut-off date for deciding completion of 100 days.

26. W.P.(C) Nos.363 and 412 of 2022 have been filed by the another set of petitioners alleging that the exclusion of awarding of 10 additional marks to the petitioners, who were Doctors in RIMS and who had completed 100 days Covid related duties in the Heath Centres/Facilities is arbitrary. There is no room for differentiation or discrimination between the service rendered under the Central Government and the State Government under the special scheme introduced by the Central Government. Thus, the prayer of the petitioners in W.P.(C) Nos.363 and 412 of 2022 is that they are Doctors who have served more than 100 days in Covid-19 treatments at RIMS Hospital, Imphal, which is a Central Government Hospital.

27. Let us consider the challenge made in W.P.(C) Nos.256 and 295 of 2022 first. According to the petitioners, including the petitioner Association, the petitioners are genuine

Medical Officers appointed specially for combating Covid related duties utilized till March, 2022 and the petitioners are facing hardships as all the time they were engaged in the Covid related duties.

28. The MPSC issued an advertisement dated 1.10.2021 calling for application for direct recruitment for filling up of 300 MHS Grade-IV (Medical Officers) under Health Department, Government of Manipur. Pursuant to the advertisement, on 5.1.2022, the MPSC issued a notification informing all candidates of Manipur Health Services Grade-IV (Medical Officers) that candidates who have completed 100 days Covid related duties in Health Centres/Facilities under the Government of Manipur as on 31.10.2021 (last dated of online submission) will be awarded 10 additional marks in the written examination.

29. The Government of India, Ministry of Health and Family Welfare, MEP Section, vide letter dated 3.5.2021, directed all the State Government and Union Territories to utilize the service of the MBBS Doctors in the management of Covid-19. Paragraph 15 of the said letter reads thus:

“15. State/UT Governments can provide additional health professionals engaged through this process, to private Covid Hospitals as well as in surge areas.”

Paragraph 17 provides as under:

“17. The Central Government recommends to State/UT Governments to consider giving preference in regular Government appointments of Health professionals through the respective Public Service Commission/other recruitment bodies, for those Health Professionals under this special scheme, who complete a minimum of 100 days of Covid related duty.”

30. There is no dispute that the petitioners in W.P.(C) No.256 and 295 of 2022 were appointed/engaged as Medical Officers in their respective Health Centres/Facilities and they were issued with Covid duty experience certificates and have also submitted the same to the MPSC within the stipulated time as directed. The contention of the petitioners is that on 5.4.2022, the MPSC issued a notification whereby extending the date of submission of the Covid duty experience certificate upto 11.4.2022 and by the said notification the cut-off date for deciding the completion of 100 days Covid experience was also extended upto 25.1.2022. According to the petitioners, the said extension of cut-off date from 31.10.2021 to 25.1.2022 and the extension of the last date of submission of the certificates is highly questionable for the reason that many Doctors who have not completed 100 days Covid related duties were also provided the experience certificate

without proper verification and many duty experience certificates were issued by the Director of Health Services, Government of Manipur even after the cut-off date for deciding the completion of 100 days Covid experience.

31. There is also no dispute that the petitioners in W.P.(C) No.363 and 412 of 2022 were appointed as Junior Resident (non-academic) for rendering their services in Covid Wards/ICU of RIMS Hospital, Imphal for nearly six months and they have also applied to the post of MHS Grade-IV (Medical Officers) and pursuant to the notification, they have submitted Covid duty experience certificates issued to them to the MPSC before the prescribed deadline. The petitioners in W.P.(C) Nos.363 and 412 of 2022 are also opposed the issuance of certificates to candidates who were not working in the Covid periods and such non-genuine certificates must be strictly verified and cancelled.

32. Since serious allegations are levelled against the Health Department for issuance of Covid duty experience certificates to underserving candidates who have not been given active duties in Covid related matters under the Government of Manipur, on 26.4.2022, this Court directed the Director of Health Services, Government of Manipur, to file an affidavit explaining the

number of certificates issued by the Department for completion of 100 days of Covid related duties and also the Government Orders assigning duties to the concerned Doctors in connection with Covid related duties. At the same time, as an interim measure, the MPSC was directed not to declare the result of the written examination without the leave of the Court, which was held as per the re-schedule.

33. It appears that pursuant to the order dated 26.4.2022, the Director of Health Services, Manipur, sent a letter dated 5.5.2022 to the MPSC stating that 94 (sic) Doctors who have completed 100 days of Covid related duties in RIMS, Imphal, will not be considered for awarding 10 additional marks in the written examination for recruitment of MHS Grade-IV (Medical Officer) on the ground that they had not worked in any Health Centres under the Government of Manipur for Covid related duties.

34. On 6.5.2022, when W.P.(C) No.295 of 2022 has been taken up for admission, this Court passed the following order:

“Heard Mr. H.S. Paonam, learned senior counsel for the petitioners in W.P.(C) No.295 of 2022 and perused the records.

[2] Mr. Lenin Hijam, learned Advocate General for the State Respondent and Mr. R.S. Reisang,

learned senior counsel for the MPSC are appeared.

[3] Admittedly, similar a writ petition in W.P.(C) No.256 of 2022 was filed and this Court by order dated 26.04.2022 has passed the following orders:-

“Heard Mr. N. Ibotombi, learned senior counsel appearing for the petitioners, Mr. A. Bheigya Meitei, learned counsel appearing for the State respondents and Ms. Pamchuila Gangte, learned counsel appearing for the MPSC.

As directed earlier by this court, the counsel for the MPSC has placed before this court 562 (five hundred and sixty two) number of certificates issued by the Health Department, Government of Manipur for completion of 100 days of Covid related duties, letters dated 27-10-2021 and 14-12-2021 as mentioned in the Notification dated 05-01-2022 issued by the MPSC and letter dated 16-02-2022 issued by the Health Department, Government of Manipur.

The learned counsel has also enclosed a letter dated 19-04-2022 from the Controller of Examination, MPSC addressed to the Director of Health Services asking certain queries with regard to the authenticity of some of the said certificates.

All the said certificates and the letters mentioned above should be kept in the custody of the Registrar (Judl.) of this Court under Sealed Cover. Mr. A. Bheigya Meitei, learned counsel appearing for the State respondents prayed for granting two weeks’ time for

filing counter affidavit on behalf of the State respondents. Prayer is allowed.

The State respondents more particularly, the Director of Health Services, Government of Manipur should file an affidavit explaining the number of certificates issued by the Department for completion of 100 days of Covid related duties and also the Government orders assigning duties to the concerned Doctors in connection with Covid related duties. List this case again on 12-05-2022.

A copy of this order be furnished to all the counsel appearing for the parties through their WhatsApp/e-mail. The MPSC is also directed not to declare the result of the Written Examination without the leave of this court.”

[4] Thereafter, the present petitioners in W.P.(C) No.256 of 2022 has filed the present writ petition. Therefore, this Court has directed the Registry to post this matter in W.P.(C) No.295 of 2022 today along with W.P.(C) No.256 of 2022. Accordingly, the matters are listed today.

[5] When the matters are taken up today, I heard Mr. H.S. Paonam, learned senior counsel for the petitioners, Mr. Lenin Hijam, learned Advocate General for the State Respondents and Mr. R.S. Reisang, learned senior counsel for the MPSC.

[6] Mr. Lenin Hijam, learned Advocate General has represented that the result of the examination is not declared as the order of this

Court dated 26.04.2022 passed in W.P.(C) No.256 of 2022 whereas Mr. H.S. Paonam, learned senior counsel for the petitioners represented that though it is the case of the petitioners in W.P.(C) No.295 of 2022 that there are so many bogus covid certificates were issued to the persons who are not working in the Covid periods. Therefore, suitable directions may be issued to the Respondents to verify all the certificates about its genuineness and report this Court.

[7] Mr. Lenin Hijam, learned Advocate General also agreed for the same.

[8] Therefore, the writ petition is admitted. Post this writ petition on 12.05.2022.

[9] The State Respondents in the writ petition in W.P.(C) No.295 of 2022 are directed to proceed the examination as per the schedule and not to declare the result.

[10] The respondent are further directed to verify all the certificates as already submitted and its genuineness and report this Court on 12.05.2022.

[11] Post these matters on 12.05.2022.

35. On 12.05.2022, this Court passed the following order:

“[1] Heard Mr. HS. Paonam, learned senior counsel for the petitioner in W.P. (C) No.295 of 2022; Mr. N. Ibotombi, learned senior counsel for the petitioner in W.P. (C) No.256 of 2022 and Mr. Lenin Hijam, learned Advocate General for the State respondents and Mr. R. S. Reishang, learned senior counsel for the MPSC.

[2] Pursuant to the order passed by this Court in W.P. (C) No.256 of 2022 dated 06.05.2022, Mr. RS. Reishang, learned senior counsel for the MPSC has produced 562 (five hundred and sixty two) number of Covid Certificates issued to the Doctors who served in connection with the Covid related duties and the same is on record before this Court and in the custody of the Registrar(Judicial) of this Court. The learned counsels appearing for petitioners in both the writ petitions seek permission to inspect the objected documents. Therefore, Mr. RS. Reishang, learned senior counsel for the MPSC and Mr. Lenin Hijam, learned Advocate General for the State respondents made no objection.

[3] Therefore, the learned senior counsels for the petitioners are permitted to inspect the documents on 16.05.2022 in the presence of Registrar(Judl.) of this Court.

[4] Mr. Lenin Hijam, learned AG for the State respondents and Mr. RS. Reishang, learned

senior counsel for the MPSC seek time for filing counter affidavit in these writ petitions.

[6] Mr. Lenin Hiam, learned AG for the State respondents represented that he is going to file counter affidavit on 13.05.2022 and Mr. RS. Reishang, learned senior counsel for the MPSC also seeks time to file counter on 17.05.2022. Therefore, Mr. Lenin Hiam, learned AG for State respondents and Mr. R.S Reishang, learned senior counsel for the MPSC are directed to file counter affidavit on 13.05.2022 & 17.05.2022 and serve the copy well in advance to the learned counsels for the petitioners to enable them to file rejoinder affidavit in the meantime.

[7] Therefore, post these matters on 19.05.2022 for order.

36. Thereafter, on 25.7.2022, when these writ petitions came up for hearing, this Court passed the following order:

“Heard Mr. HS Paonam, learned senior counsel for the petitioners in W.P.(C) No.295 of 2022; Mr. N. Zequeson, learned counsel for the petitioners in W.P.(C) Nos.363 of 2022 & 412 of 2022; Ms. N. Savitri, learned counsel for the petitioners in W.P.(C) No.256 of 2022; Mr. Lenin Hiam, learned Advocate General for the State Respondents; and Mr. RS Reisang, learned senior counsel for the MPSC.

[2] When the matters came on last occasion, this Court directed the Respondents in W.P.(C) No.295 of 2022 to produce the copies of the documents issued by the Respondent RIMS for the appointment of the Medical Officer. Accordingly, Mr. Lenin Hijam, learned Advocate General has represented that the entire certificate has been produced before this Court and the same is on record. Therefore, he represented that this Court may direct to constitute a committee to verify the genuineness of the certificate issued by the Respondents and report this Court.

[3] Mr. HS Paonam, learned senior counsel for the petitioners in W.P.(C) No.295 of 2022 also agreed for the same.

[4] Therefore, (1) Smt. Haobam Roshita Devi – Chairman, IAS, Secretary (Health), Government of Manipur, (2) Ms. Neeta Arambam – Member, Secretary, MPSC and (3) Director Health – Member, Government of Manipur are appointed as Committee and the Committee is directed to verify the genuineness of all the certificates and submit a report within a period of 4(four) four weeks from the date of receipt of copy of this order.

[5] Mr. N. Zequeson, learned counsel for the petitioners in W.P.(C) Nos.363 of 2022 and 412 of 2022 represented that the writ petitions in

W.P.(C) Nos.412 & 363 of 2022 filed the petitioners are entirely different. They seek to issue the certificates since they were also working.

[6] The submission of Mr. N. Zequeson, learned counsel for the petitioners in W.P.(C) Nos.363 of 2022 and 412 of 2022 will be considered after consideration of the genuineness of the certificate in W.P.(C) No.295 of 2022 and the matters will be heard along with the writ petition in W.P.(C) No.295 of 2022.

[7] Therefore, post these matters for orders on 09.09.2022.

[8] The Committee, (1) Smt. Haobam Roshita Devi – Chairman, IAS, Secretary (Health), Government of Manipur, (2) Ms. Neeta Arambam – Member, Secretary, MPSC and (3) Director Health – Member, Government of Manipur are directed to give a report on 09.09.2022 and to serve the copy of the same well in advance to the learned senior counsel for the petitioners to enable him to file objection.

[9] The Registrar(Judicial) is hereby directed to inform the above members of the Committee and serve the copy of this order and hand over the entire original certificates produced by Mr. Lenin Hijam, learned Advocate General, with acknowledgement and get the report alongwith

the original certificates and produced the same before this Court on 09.09.2022.

[10] Post this matters on 09.09.2022 for orders.

[11] Interim order already granted by this Court is extended till then.

[12] The Registry is directed to issue this orders to both the parties and also to the Committee Members.

37. On 9.8.2022, this Court modified the Committee constituted by its order dated 25.7.2022. Paragraph 5 of the order dated 9.8.2022 reads thus:

“[5] The Committee already constituted by this Court on 25.07.2022 is modified and re-constituted the Committee by namely, (1) Smt. Haobam Roshita Devi – Chairman, IAS, Secretary (Health), Government of Manipur, (2) The Director, Family Welfare, Government of Manipur and (3) Director Health – Member, Government of Manipur respectively and the Committee is directed to verify the genuineness of all the certificates and submit a report within a period of 4 (four) weeks from the date of receipt of this order.”

38. On 20.9.2022, when the writ petitions were taken up, this Court passed the following order:

“[1] When matters came on 09.09.2022, this Court directed all the parties in the writ petitions to inspect the report about the genuineness of the certificates issued by the respondents RIMS and on inspection, the learned counsels for the petitioners are directed to file their objection on or before 20.09.2022. Accordingly, the matter was directed to be posted today.

[2] When the matters are taken up today, both the counsels represented that they want the copy of the report. Therefore, the Registrar(Judicial) of this Court is directed to furnish the Xerox copy of the report to both the parties to enable them to file objection on or before 27.09.2022.

[3] Therefore, post these matters on 27.09.2022.

[4] Earlier interim order is extended till then.

39. During the course of argument, by producing a copy of the report of the Committee for verification of Covid duty certificates issued by the Director of Health Services, Manipur, the learned Advocate General submitted that the Committee had examined the Covid duty experience certificates received from the Registrar (Judicial) of this Court and recording the report of the Committee, the writ petitions, being W.P.(C) Nos.256 and 295 of 2022, may be closed. The original report which was in the custody of the Registrar (Judicial) was placed on record during the course

of arguments. It appears that a copy of Committee report was supplied to the learned counsel for the petitioners by the Registrar (Judicial) of this Court.

40. For proper appreciation, the report of Committee dated 8.9.2022 is extracted hereunder:

REPORT OF THE COMMITTEE FOR VERIFICATION OF COVID DUTY CERTIFICATES ISSUED BY DIRECTOR OF HEALTH SERVICES, MANIPUR IN CONNECTION WITH HON'BLE HIGH COURT ORDER DTED 25TH JULY, 2022 PASSED IN WP(C) NO.412 OF 2022 (MD. SHOAIB KHAN & 5 ORS –VS- STATE OF MANIPUR & ORS.) WITH WP(C) NO.256 OF 2022 WITH WP(C) NO.295 OF 2022 & WITH WP(C) NO.363 OF 2022 AND MC (WP(C)) NO.258 OF 2022, Ref: WP(C) No.412 of 2022).

The verification committee comprises of the following officials:

- 1. Haobam Rosita, Special Secretary (Health & FW), Government of Manipur – Chairperson*
- 2. 2.Dr. Kh. Sasheekumar Mangang, Director of Health Services, Manipur – Member*
- 3. Director of Family Welfare Services, Manipur.*

2. In pursuance of the Hon'ble High Court order dated 25th July, 2022 and 9th August, 2022 passed in WP(C) No.412 of 2022 (Md. Shoaib

Khan & 5 Ors –vs- State of Manipur & Ors.) with WP(C) No.256 of 2022, with WP(C) No.295 of 2022 & with WP(C) No.363 of 2022, a Verification Committee was constituted vide Government Order No.18/08/2022-M(C) dated 10.08.2022, for verification of Covid duty Certificates issued by Director of Health Services, Manipur.

3. The Committee received 561 (Five hundred and sixty one) Covid duty Certificates (all photocopies) from the Registrar (Judicial), High Court of Manipur. The Committee had four sitting and the first sitting which was fixed on 11.08.2022 was rescheduled on 18.08.2022, due to the reconstitution of the Committee by the Hon'ble High Court vide Orders dated 09.08.2022.

4. The first sitting was held on 18.08.2022 and the Committee discussed at length the issues related with verification of 561 (Five hundred and sixty one) Covid duty certificates received from the Registrar (Judicial), High Court of Manipur. After minute deliberation, it was decided to collect relevant information and documents from Directorate of Health Services, Manipur, Director JNIMS, Imphal and Director RIMS, Imphal.

5. The second and the third sittings were held on 25.08.2022 and 5.09.2022 respectively and all the relevant information and documents received by the Committee were examined & sorted out

and decision was taken to fix 07.08.2022 for the next sitting and also for actual physical verification of the Covid duty Certificates by inviting all concerned officials of DHS, CMOs, representatives of Director, JNIMS and representatives of Director, RIMS.

6. The last Committee meeting cum verification was held on 07.09.2022 at the conference hall of Health Department at RD Wing Lamphelpat with representatives of Director (RIMS), Director (JNIMS), and all CMOs along with concerned officials and the actual verification of the Covid duty certificates was conducted.

7. All the 561 (Five hundred and sixty one) Covid Duty Certificates (all photocopies) received from the Registrar (Judicial), High Court of Manipur, were segregated District wise, and Health Facility wise for easy examination by the Committee and verification Team. Thereafter, these certificates were handed over to the concerned Verification Teams of District and Health Facilities, who further cross checked and compared with the relevant engagement/appointment orders.

8. After minute examination, the verification Teams found the follows:

- i. Out of 561 Certificates, 457 (four hundred fifty seven) Certificates issued by the Director of Health Services were verified by the Director of Health*

Services, concerned CMOs, Medical Superintendent of JNIMS and officials of Health Department, Government of Manipur. However 2(two) similar copies of the certificate in respect of Dr Stanley Gangmei bearing Certificate No.14267 was found.

ii. Another 90 (ninety four) (sic) Certificates issued by the Director of Health Services were verified by the concerned Asst. Medical Superintendent of RIMS, Manipur.

iii. 4 (four) Certificates were jointly verified by representatives of RIMS and JNIMS.

iv. 10 (Ten) Certificates in respect of the following were found not issued by the Director of Health Services:

- Dr. Lamneineng Orchid Haokip*
- Dr. Lourembam Jameson*
- Dr. Job Lalhrietzing Amo*
- Dr. Bidyamata laishram*
- Dr. Karong Renunkhup*
- Dr. Peningry Warngam Tongsin*
- Dr. Lamjinglembi Khundrakpam*
- Dr. Taj Mohammad*
- Dr. T.S.Tonihring Anal*
- Dr. Mayanglambam Anjuta Devi*

v. The Committee also noted that the existing State Government policy as

communicated to MPSC vide letter No.2/7/2019-M dated 27th October, 2021 from Deputy Secretary (Health & FW), Government of Manipur to Secretary, MPSC and subsequent clarification vide letter No.2/7/2019-M dated 14th December, 2021 is for extending benefit of 10 (ten) additional marks in the written test to only those doctors who have performed COVID duties for 100 (one hundred) days in Health Centres/Facilities under the Government of Manipur and with valid COVID duty experience certificates issued by the Director of Health Services, Manipur.

9. From the above findings and observations, the Committee is of the view that out of 561 (Five hundred and sixty one) Covid Duty Certificates (all photocopies) received from the Registrar (Judicial), High Court of Manipur,

i. 457 (four hundred and fifty seven) Certificates issued by the Director of Health Services were verified by the Director of Health Services, Manipur, concerned CMOs, Medical Superintendent of (JNIMS) and officials of Health Department, Government of Manipur. However 2 (two) similar copies of the certificate in respect of Dr.

Stanley Gangmei bearing Certificate No.14267 was found.

ii. 90 (ninety) Certificates issued by the Director of Health Services were verified by the concerned Asst. Medical Superintendent of RIMS, Manipur.

iii. 4 (four) Certificates were jointly verified by the representatives of RIMS and JNIMS.

iv. 10 (ten) Certificates were not issued by Director of Health Services, Manipur.

Sd/- xx (Dr. Dihe Mao) Link Officer to Director of Family Services Manipur	Sd/- xxx (Dr. Kh. Sasheekumar) Director of Health Services Manipur	Sd/-xxx (Haobam Rosita) Special Secretary (Health & FW) Government of Manipur
--	---	--

Member

Member

Chairperson

41. At this juncture, the learned senior counsel appearing for the petitioners in W.P.(C) No.295 of 2022 submitted that as per the RTI reply dated 17.10.2022 provided by the JNIMS Authority, only 40 Doctors were engaged as Medical Officers vide order dated 9.12.2020 for a period of six months and those 40 Doctors were eligible for consideration of the Covid duty experience certificates. The other Doctors who were appointed vide orders dated 10.6.2021, 22.6.2021, 13.7.2021, 15.7.2021, 27.7.2021, 6.8.2021, 7.9.2021, 21.9.2021, 25.9.2021, 29.9.2021, 5.10.2021,

12.10.2021, 18.10.2021, 27.10.2021, 16.11.2021, 26.11.2021, 3.12.2021, 21.12.2021, 5.2.2022, 17.2.2022 and 11.2.2022 as Junior Resident were for a period of less than 100 days and, as such, they were not eligible for consideration of the Covid duty experience certificates. According to the learned senior counsel, the Committee for Verification has not examined the illegality pointed out by the MPSC vide letter dated 19.4.2022. Arguing so, the learned senior counsel prayed for rejection of the report of the Committee dated 8.9.2022.

42. When all the 561 Covid duty certificates received from the Registrar (Judicial) of this Court have been segregated District wise and Health Facility wise for easy examination of the Committee and verified the same by the team with cross checking and compared with the relevant engagement/appointment orders, now the petitioners cannot question the report of the Verification Committee by saying that the Committee has not gone into the illegality pointed by the MPSC in its letter dated 19.4.2022. This Court is of the considered view that only after considering all aspects, the Verification Committee had issued the report dated 8.9.2022, which cannot be find faulted by the petitioners.

43. At this juncture, the learned Advocate General submitted that when the Committee which is an expert body

examined the Covid duty experience certificates issued to the Doctors and has given its opinion, the petitioners in W.P.(C) Nos.256 and 295 of 2022 have no say and they are unnecessarily, enlarging the scope of the writ petition, which cannot be entertained by this Court exercising jurisdiction under Article 226 of the Constitution of India.

44. We find some force in the said submission made by the learned Advocate General. When the Committee after a thorough verification has given its finding to the effect that out of 561 Covid duty experience certificates received by them, 457 were issued by the Director of Health Services, however, 2 similar copies of the certificate in respect of Dr. Stanley Gangmei were found; 90 certificates issued by the Director of Health Services and 10 certificates were not issued by the Director of Health Services, Manipur, this Court, exercising jurisdiction under Article 226 of the Constitution of India cannot interfere with the experts opinion. The only course open to this Court is to dispose of W.P.(C) Nos.256 and 295 of 2022, as the grievance of the petitioners in those writ petitions has been redressed.

45. Insofar as the exclusion of the petitioners in W.P.(C) Nos.363 and 412 of 2022 for not awarding of 10 additional marks in the written examination for recruitment of MHS Grade-IV

(Medical Officer) for the sole reason that they served/worked in RIMS Hospital which is not under the Government of Manipur is concerned, the learned Advocate General, during the course of arguments, by producing the State Cabinet decision dated 10.4.2023, submitted that the Doctors who have performed 100 days Covid related duties in RIMS, Imphal as on 25.1.2022 have also been extended the benefit of 10 additional marks in the written test conducted by the MPSC for recruitment of MHS Grade-IV (Medical Officers). The learned Advocate General submitted that recording the decision of the State Cabinet, the writ petitions, being W.P.(C) Nos.363 and 412 of 2022, may be closed.

46. For better appreciation, the copy of the Cabinet decision produced by the learned Advocate General, is extracted hereunder:

“Note 1

Sub: Issuing certificates to Doctors who have completed 100 days COVID related duty in RIMS.

May kindly refer to Pg 1 CF for a Secretariat: Health Department letter No.2/7/2019-M dated 14-09-2022 conveying the decision of the state Cabinet for ex-post facto approval to the extension of the benefit of 10 (ten) additional marks to the doctors who have performed 100 days COVID related duties in RIMS Imphal as on 25-01-2022 in the written test conducted by the

Manipur Public Service commission for recruitment of Medical Officers in MHS Grade-IV.

2. Further, it is mentioned in the above Government convey letter dated 14-09-2022 that Doctors who have performed 100 days COVID related duties in RIMS Imphal as on 25-01-2022 shall be issued certificates only after proper verification and with the approval of Vice Chairperson of RIMS Imphal.

3. 94 (ninety four) certificates have been issued to the doctors who have performed 100 days COVID related duties in RIMS Imphal as on 25-01-2022. Genuineness of all these certificates have been verified by the Committee chaired by Smt. Roshita Haobam, Special Secretary (Health), Government of Manipur. Photocopies of all the certificates are enclosed as Annexure in this file.

4. It is, therefore, to request for obtaining ex-post facto approval of the Hon'ble CM & Vice Chairperson of RIMS for issuing the 94 certificates mentioned in para 3 above."

47. On a perusal of the Note dated 11.04.2023 appended to the Cabinet decision dated 10.4.2023 indicates that Covid duty certificates of Doctors on duty at RIMS verified by the Verification Committee has been approved.

48. Since ex-post facto approval to extend the benefit of 10 additional marks to the Doctors who have performed 100 days Covid related duties at RIMS, Imphal as on 25.1.2022 in the written test conducted by the MPSC for recruitment of Medical Officers in MHS Grade-IV has been granted by the State Cabinet and later on approved by the Hon'ble Chief Minister, this Court is of the view that the grievance of the petitioners in W.P.(C) Nos.363 and 412 of 2022 for awarding of additional 10 marks in the written examination in recognition of Covid related duties rendered by the Doctors at RIMS Hospital, Imphal, has been redressed.

49. In view of State Cabinet decision extending the benefit of awarding of additional 10 marks to the Doctors served in RIMS, Imphal and the said position is also accepted by the learned senior counsel for the petitioners in W.P.(C) Nos.363 and 412 of 2022, the decisions relied upon by them in the cases of *Sevakumar and Mala Banerjee*, supra, have not been elaborated.

50. W.P.(C) No.257 of 2023 has been filed by another set of Doctors who had participated in the written examination conducted by the MPSC for recruitment to the post of MHS Grade-IV (Medical Officers) contended that though the written examination has already been completed, the recruitment process has still not been completed and they expected that their names

would be in the list of successful candidates. Therefore, suitable directions may be issued to the respondent authorities in declaring the result.

51. Be that as it may, whether the names of the petitioners in W.P.(C) No.257 of 2023 would be appeared in the successful list or not, in view of the completion of the verification of Covid duty experience certificates by the Verification Committee pursuant to the direction of this Court and in view of the extension of the benefit of 10 additional marks to the Doctors who have performed 100 days Covid related duties in RIMS, Imphal, now there is no difficulty in declaring the result of the written examination held on 10.5.2022 for filling up of the post MHS Grade-IV (Medical Officers) under Health Department, Government of Manipur.

52. In the result,

- (i) *W.P.(C) Nos.295 and 256 of 2022 are disposed of recording the report dated 8.9.2022 of the Committee for Verification of Covid duty experience certificates issued by the Director of Health Services, Manipur.*

- (ii) W.P.(C) Nos.363 and 412 of 2022 are disposed of in terms of the State Cabinet decision dated 10.4.2023.*
- (iii) W.P.(C) No.257 of 2023 is disposed of directing the concerned respondent to declare the result of the examination conducted for filling up of the post of Medical Officers in Manipur Health Service Grade-V.*
- (iv) The respondent authorities are directed to expedite declaring the result, the process for selection and appointment and complete the entire exercise within a period of three months from the date of receipt of a copy of this order.*
- (v) The interim order already granted in these all writ petitions are vacated.*
- (vi) There will be no order as to costs.*
- (vii) Consequently, the miscellaneous cases, if any, is closed.*

ACTING CHIEF JUSTICE

FR/NFR

Sushil