

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

W.P. (C) No. 765 of 2016

1. The Central Agricultural University (CAU), Imphal, Manipur, represented by the Vice-Chancellor (CAU), Imphal, Manipur – 795004.
2. The Registrar, Central Agricultural University, Imphal, Manipur – 795004.
3. The Dean, College of Agricultural Engineering and Post-Harvest Technology, Ranipool, Gangtok, Sikkim – 737135.

Petitioner

Vs.

1. Shri Gopal Bhandari, S/o Nilakanta Bhandari, P.O. Rawtey Rumtek East Sikkim, Pin Code – 737135.
2. Shri Pawan Chettri, S/o (L) B.B Chettri, resident of Lower Pani House, Indira Bye Pass Road, Gangtok, East Sikkim, Pin Code – 737135.

Respondents

BEFORE
**HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR
HON'BLE MR. JUSTICE MV MURALIDARAN**

For the Petitioners : Mr. BP Sahu, Sr. Advocate
For the Respondents : Mr. H. Maipaksana, Advocate
Date of Order : 30.01.2023

ORDER (ORAL)

Sanjay Kumar (C.J.):

[1] The Central Agricultural University, Manipur, and its officials filed this writ petition aggrieved by the order dated 13.05.2016 passed by the Central Administrative Tribunal, Guwahati Bench, in O.A. No. 040/00155/2015. The said

O.A. was filed by the respondents herein assailing their termination from service under orders dated 16.03.2015. By its order dated 13.05.2016, the Tribunal noted that the University and its officials had shown little interest in contesting the O.A. and had not even filed a reply, justifying the termination orders, and held on facts that the termination of the applicants before it was in violation of the principles of natural justice and contrary to the stipulation made in their appointment letters. The termination orders dated 16.03.2015 were accordingly set aside and the University and more particularly, the Registrar of the University, was directed to reinstate them immediately along with consequential benefits.

By order dated 07.10.2016 passed in this writ petition, a Division Bench of this Court suspended the operation of the order dated 13.05.2016 passed by the Tribunal. On 16.11.2016, the interim order dated 07.10.2016 was directed to continue until further orders and is presently operative.

[2] Heard Mr. BP Sahu, learned senior counsel, appearing for the petitioners, *viz.*, the University and its officials; and Mr. H. Maipaksana, learned counsel for the respondents, *viz.*, the applicants in the O.A.

[3] Advertisement No. 2 of 2012 dated 15.06.2012 was issued by the Central Agricultural University, Manipur, inviting applications for filling up the posts of Library Assistant (1 post), Live Stock/Farm Assistant (2 posts), Field-cum-Lab Assistant (5 posts) , Medical Attendant (1 post), Driver(2 posts), Handyman-cum-cleaner(1 post) and Multi Tasking Staff {(Field-cum-Lab Attendant/Cook/Helper/Messenger etc.)(6 posts)}. These posts were at the College of Agricultural Engineering and Post Harvest Technology, Ranipool, Sikkim. The Advertisement did not indicate that the posts were temporary in

nature or were contiguous with any particular scheme. The respondents herein were selected and appointed as Multi Tasking Staff (Helpers) *vide* orders dated 23.09.2013. Their appointment as Helpers was stated to have been made under the All India Co-ordinated Research Project (AICRP) on RES at the College of Agricultural Engineering and Post Harvest Technology, Ranipool, Sikkim. They were put on the pay-scale of ₹. 5,200-20,200 with Grade Pay of ₹. 1,800. However, their appointment orders contained Condition No.3 which read thus:

"3. The appointment is till the continuation of the project by ICAR and co-terminus with the project and he will have no claim for permanent absorption /appointment in the university."

It is the case of the University that the Project Coordinator (AICRP) on Renewable Resources of Energy for Agriculture and Agro-based Industries, ICAR/CIAE/Bhopal, intimated it by letter dated 01.01.2015 that the ICAR had decided to close the Centre of the AICRP on RES located at Gangtok with effect from 01.04.2015. In consequence thereof, the University issued orders dated 16.03.2015 to both the respondents, quoting the aforestated Condition No. 3 in their appointment orders, and informed them that their services were no longer required and would stand terminated with effect from 31.03.2015. It is against these orders that the respondents approached the Tribunal.

[4] As already stated *supra*, the University and its officials did not even choose to contest the case before the Tribunal by filing a reply. Thereupon, the Tribunal noted the contents of the Advertisement dated 15.06.2012 and the fact that the respondents were placed on probation for a period of 2 years from the date of their joining and inferred that their appointment was in the nature of a

regular appointment. Opining thus, the Tribunal set aside the termination orders dated 16.03.2015 and granted them relief.

[5] Mr. H. Maipaksana, learned counsel for the respondents, contended before this Court that others who had been selected and appointed pursuant to the Advertisement dated 15.06.2012 were retained in service even though they were less meritorious than his clients. This Court accordingly directed the University to produce the merit list of the candidates who appeared pursuant to the Advertisement dated 15.06.2012. With great reluctance and after a number of adjournments, the University finally produced the said merit list. Perusal thereof reflects that 501 applications were received against the 6 posts of Multi Tasking Staff notified *vide* the Advertisement dated 15.06.2012. After shortlisting by the duly constituted Screening Committee, interview calls were issued to 90 candidates and 81 (ST-14, OBC-27 and Gen-40) candidates appeared for the interviews on 08.05.2013 before the Selection Committee. Based on the academic records, relevant work experience, skill test and performance in the interview, the Committee recommended 6 candidates for appointment to the 6 notified posts of Multi Tasking Staff: Sonam Bhutia (41.90 Marks) was appointed against the ST vacancy, while Gopal Bhandari (45.89 Marks) and Pawan Chettri (44.07), the respondents herein, were appointed against the OBC vacancies. Sushanta Parida, Deepa Pradhan and Anupama Chettri, with 49.51, 48.46 and 46.61 Marks respectively, were appointed against the three general category vacancies. The merit list placed before this Court further reflects that one Neeraj Kumar, who secured 41.88 marks, was included in the 3rd waiting list. Surprisingly, the Selection Committee made no such recommendation, but the words – ‘WLT’ were noted against the name of Neeraj Kumar.

[6] Significantly, when Pawan Chettri, respondent No.2 herein, submitted an application to the University under the Right to Information Act, 2005, with regard to the list of 17 candidates who were selected against the Advertisement dated 15.06.2012, a tabular statement of 17 candidates was furnished by the University, under its letter dated 01.07.2015. Perusal thereof reflects that, out of the 17 candidates who were appointed against the said Advertisement, only Gopal Bandhari and Pawan Chettri, the respondents herein, were terminated from service and all the others, including Neeraj Kumar who was a waitlisted candidate, are being continued. Orders dated 23.09.2013 were issued by the Central Agricultural University, Manipur, transferring Sandeep Kumar Banya, Workshop Mate, and Sarina Thapa, Helper, from All India Coordinated Research Project on RES, College of Agricultural Engineering and Post Harvest Technology, Ranipool, to the said College with immediate effect. Both these persons were not even shown as wait-listed candidates in the merit list and had, in fact, secured far lesser marks than the respondents (Sandeep Kumar Banya – 41.21 Marks; Sarina Thapa – 37.09 Marks) but they were continued in service.

[7] It is therefore clear that other employees who were appointed against the same time-bound scheme were transferred to regular posts in the College but only the respondents were targeted for termination from service on the ground that their appointment was contiguous with the scheme, as per Condition No. 3 in their appointment orders.

[8] No doubt, the orders of appointment dated 23.09.2013 issued by the University to the others who were selected against the Advertisement dated 15.06.2012 merely mentioned that their appointment was temporary and could

be terminated by giving three months' notice without referring to the appointment being contiguous with the scheme, as was mentioned in the case of the respondents, but that by itself did not justify the University adopting a different stand against them. Crucial to note, there was no mention of any time bound scheme in the Advertisement dated 15.06.2012 at all and the respondents were amongst the candidates directly selected by the Selection Committee against the 6 notified posts. There is no explanation from the University as to why they are subjected to contiguity with a time bound scheme when others who were waitlisted and appointed thereafter, with far lesser marks, were subjected to favourable treatment by continuing them in service in the College even after the winding up of the time bound scheme. This patent discrimination clearly shows how the University is bestowing favours to candidates of its liking despite their lower placement in the merit ranking and smacks of blatant arbitrariness.

[9] In these circumstances, we find no reason whatsoever to interfere with the order dated 13.05.2016 passed by the Central Administrative Tribunal, Guwahati Bench, in O.A. No. 040/00155/2015 and the consequential direction issued to the University and its officials to reinstate the respondents in service with all consequential benefits.

W.P. (C) No. 765 of 2016 is accordingly dismissed.

Interim order dated 07.10.2016 shall stand vacated.

In the circumstances, there shall be no order as to costs.

JUDGE

CHIEF JUSTICE

Sandeep