

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

MC (W.A.) No. 109 of 2023

State of Manipur; & Anr.

Applicants

Vs.

Kh. Kiranmala; & Ors.

Respondents

BEFORE

**HON'BLE THE ACTING CHIEF JUSTICE MR. MV MURALIDARAN
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

04.10.2023

Acting C.J. :

Mr. S. Nepolean, learned Government Advocate, represented that the present miscellaneous application has been filed seeking to condone the delay of 120 days in filing the writ appeal against the order passed by the learned Single Judge in W.P. (C) No. 62 of 2023 dated 24.01.2023. Though the order has been passed on 24.01.2023, because of the administrative reasons, the appeal could not been filed within the time limit of 30 days. Therefore, there is a delay of 120 days.

Mr. S. Nepolean, learned Government Advocate, further stated that because of the ethnic clash between the two communities of the State which broke out in the evening of 03.05.2023, curfew has been imposed in the entire State of Manipur and there was not a single day where the State Government has not imposed curfew in the State except relaxation of certain hours. Therefore, the memorandum of appeal could not be filed within the time limit.

Therefore, Mr. S. Nepolean, learned Government Advocate, has prayed before this Court to allow the condone delay application and number the appeal for disposal on merit.

Mr. Juno Rahman, learned Jr. counsel to Mr. M. Hemchandra, learned senior counsel, appearing for the respondents, represented that though the delay is meagre 120 days only, the applicants have not given proper explanation since

the order was passed on 24.01.2023 but only on 27.04.2203, the Department has taken steps for filing the appeal. Therefore, it is clear that the applicants have not given any proper explanation for the period from 25.01.2023 till 27.04.2023. Apart from this, there is no valid reason given by the applicants for the delay of 120 days and hence the application itself is not maintainable and the same should be dismissed.

Therefore, Mr. Juno Rahman, learned counsel for the respondents, has prayed before this Court to dismiss the application.

Considering the nature of arguments advanced by both the counsel, it is clear that admittedly there is ethnic clash between two communities in the State of Manipur and the reasons assigned by the applicants is acceptable one. Though the writ petitioners have filed the writ petition seeking a prayer to consider the petitioners' representation and pass appropriate order, the learned Single Judge has passed the order directing the respondents to give promotion to the writ petitioners as per Recruitment Rules available.

Therefore, the writ appeal requires to be heard in proper manner by this Court. The opportunities should be given to both the parties to make their representations in the writ appeals. Therefore, we are inclined to allow this condone delay application.

Accordingly, MC (W.A.) No. 109 of 2023 is allowed.

Registry is directed to number the appeal, if it is otherwise found to be in order, and list the same for admission.

JUDGE

Sandeep

ACTING CHIEF JUSTICE