

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

WP(C) No. 603 of 2023

Ningthoujam Ibemcha Devi

.....*Petitioner/s*

- Versus -

State of Manipur & 3 Ors.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

17.10.2023

[1] Heard Mr. S. Rupachandra, learned senior counsel assisted by Mr. Md. Shahidur Rahman, learned counsel for the petitioner, Mr. Y. Ashang, learned G.A. for respondent Nos. 1 & 2, Ms. Momota Devi Oinam, learned counsel assisted by Ms. Runashree, learned counsel for respondent No. 3, MPSC and Ms. Brizet, learned counsel for respondent No. 4.

[2] The petitioner has been serving as an Assistant Professor in Biramangol College, Sawombung (taken over by the Government along with 5 other colleges) from the year 1997 in Geography stream. With respect to taken over of 6 (six) Aided Colleges by the Government, the Commissioner (Hr. & Tech. Edn.), Government of Manipur issued an order dated 07.03.2019 inter-alia stating in para 7 that till the completion of the process of absorption, the employee should remain at their respective place of posting until further orders. The petitioner was

transferred to CI College, Bishnupur and she challenged the same as violative of clause 7 of the order dated 07.03.2019.

[3] During the pendency of the writ petition being WP(C) No. 572 of 2021, the petitioner was again transferred to N.G. College, Imphal. In view of this subsequent development, the writ petition was dismissed as withdrawn. Thereafter, the petitioner also submitted a representation dated 21.08.2023 to the Commissioner (Hr. & Tech. Edn.), Government of Manipur requesting to transfer and posting her back to her original college i.e. Biramangol College, Sawombung to avoid any complicity due to clause No. 7 of the OM dated 07.03.2019. It is stated that the representation is still pending. Thereafter, the present writ petition has been filed inter-alia praying for quashing of clause No. 7 of the order dated 07.03.2019 and also to dispose of the representation dated 21.08.2023.

[4] The prayer is reproduced herein below:

- “(i) to admit this writ petition and issue a rule nisi;*
- (ii) to quash and set aside the clause No. 7 of the impugned order dated 07.03.2019 annexure A/3 which deprives the right of the petitioner for final absorption which is already delayed in her case.*
- (iii) to direct the respondents not to drop/segregate the name of the petitioner while giving recommendation for final absorption by invoking clause 7 of the impugned order or by taking into consideration of the Government stand made their affidavit dated 15.09.2021 in the WP(C) No. 572 of 2021.*

- (iv) *to direct the respondents to consider and dispose of the representation dated 21.08.2023 A/11 within a time frame with a speaking order.*
- (v) *to pass any appropriate order which the Hon'ble Court may deem fit & proper to meet ends of justice."*

[5] During the course of hearing, this Court has pointed out that prayer Nos. (ii) and (iv) are contradictory.

[6] Mr. S. Rupachandra, learned senior counsel, on instruction, submits that he is pressing for prayer No. (ii) and the writ petition be confined to prayer No. (iv) alone i.e. praying for giving direction to the respondents to consider and dispose of the representation dated 21.08.2023 requesting her to transfer back to Biramangol College, Sawombung. Learned senior counsel has also pointed out to para 7 of the counter affidavit filed by the State respondent to the effect that the said representation is under consideration. Learned senior counsel further submits that the representation may be disposed of at this stage by giving direction to the respondents to pass a speaking order to the representation within a time frame.

[7] Mr. Y. Ashang, learned G.A. for the State respondent, Ms. Momota Devi Oinam for the MPSC and Ms. Brizet, learned counsel for respondent No. 4, have no objection.

[8] Mr. S. Rupachandra, learned senior counsel, also submits that if the petitioner is transferred back to Biramangol College, Sawombung, her case should also be considered for recommendation by the MPSC.

[9] Mr. Y. Ashang, learned G.A., draws the attention of this Court to Annexure – A/10 (Colly) specially to letter dated 06.04.2023 sent by Joint Secretary (Hr. & Tech. Edn.), Government of Manipur to the Superintendent of Police, Imphal West for verification of character and antecedents and in respect of Biramangol College, Sawombung, the name of the petitioner is shown at serial No. 11. Learned G.A. submits that her case has already been considered by the State Government for sending to the MPSC for doing the needful.

[10] Recording the submission made at bar, writ petition is disposed of with a direction to the respondents specially respondent No. 1 to dispose of the representation dated 21.08.2023 submitted by the petitioner for considering her case of transferring and posting back to Biramangol College, Sawombung within a period of one month from the date of receipt of this order. In case the petitioner's representation is allowed and she is transferred back to Biramangol College, Sawombung, her case be considered in terms of Annexure – A/10 (Colly).

[11] Furnish a copy of this order to the learned counsel appearing for all the parties.

JUDGE

Joshua

KH.
JOSHUA
MARING

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KH. JOSHUA MARING
Date: 2023.10.18
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**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MC(WP(C) No. 247 of 2023

Ningthoujam Ibemcha Devi

.....*Petitioner/s*

- Versus -

State of Manipur & 3 Ors.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

17.10.2023

[1] In view of the order passed today in WP(C) No. 603 of 2023, this misc. application is disposed of.

JUDGE

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