

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

**W.A. No. 98 of 2023
With
MC(WA) No. 150 of 2023
With
MC(WA) No. 151 of 2023**

1. Union of India through the Principal Secretary/Commissioner/Secretary, Ministry of Education, Government of India, Shastri Bhawan, P.O. P.S. Sansad Marg, New Delhi – 100 001.

2. The Director, Indian Institute of Information Technology, Manipur, Mantripukhri, P.O. Mantripukhri, P.S. Heingang and District Imphal East, Manipur – 795 002.

..... *Appellants*

- Versus -

Dr. Murli Manohar, aged about 39 years, S/o Surendra Prasad Pandit, resident of Mirjanhat, Bhagalpur, Bihar – 812005 currently residing at R2 – 101, IIIT Manipur, P.O. Mantripukhri, P.S. Heingang, and District Imphal East, Manipur – 795 002.

..... *Respondent*

B E F O R E

**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU**

22.11.2023
(C.J.)

[1] Heard Mr. S. Samarjeet, learned Sr. PCCG, appearing on behalf of the appellants and Mr. B.P. Sahu, learned senior counsel, appearing on behalf of the respondent through V.C.

[2] The present writ appeal has been instituted on behalf of the Union of India assailing the interim order dated 07.11.2023 passed by the learned Single Judge in W.P.(C) No. 764 of 2023, whereby the appellants were directed to permit the original petitioner (respondent herein), to be continued in service, till the next date of hearing, since 4 (four) other persons who were initially appointed along with the latter were allowed by the appellants to so continue.

At the outset, it is observed that the aforementioned writ petition is listed for final disposal before the learned Single Judge tomorrow i.e. 23.11.2023.

[3] On behalf of the appellants, it is urged that the original petitioner was appointed on contract along with 4 (four) other individuals as Visiting Assistant Professor in the Indian Institute of Information Technology, Manipur, for a period of 5 (five) months from the 3rd June, 2023, with an express stipulation that the term could be extended for a further period, based on performance as well as the condition that on the expiry of the contract period, the temporary appointment would get terminated automatically.

[4] In other words, it is the case of appellants that the learned Single Judge, while passing the impugned order dated 07.11.2023, fell into error in permitting the writ petitioner to continue in service till the next date of hearing, on the footing that 4 (four) other persons who had been employed along with him had been allowed to continue.

[5] Although, it has been urged on behalf of the appellants that, the service of the original petitioner was not satisfactory and his performance was not up to the mark; as clearly and correctly noticed by the learned Single Judge, no show cause notice in relation to any complaints or poor performance has ever been issued to him; and as such, the assertion made on behalf of the appellants is prima facie evidently an afterthought.

[6] It is further observed that the learned Single Judge has categorically observed whilst rendering the impugned order that the continuance of the

original petitioner along with 4 (four) other persons who were initially appointed along with him, is only till the next date of hearing; without expressing any opinion on the relief of regularisation as prayed for in the writ petition.

[7] We do not see any perversity in the interlocutory order assailed in the present writ appeal so as to warrant interference at the interim stage. ***(Wander Ltd. & Another V. Antox India P. Ltd.***”reported in ***1990 (Supp) SCC 727***).

[8] In this view of the matter, we are of the considered view that the appeal is devoid of merit at this stage and the same is accordingly dismissed.

[9] Pending applications are also disposed of accordingly.

JUDGE

CHIEF JUSTICE

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