

IN THE HIGH COURT OF MANIPUR : AT IMPHAL**W.P.(C) No. 1004 of 2022**

Shri Moirangthem Imochandra Singh, aged about 40 years,
S/o M. Gouramohon Singh, a resident of Khangabok Part-
III, Cherapur Leikai, P.O. & P.S. Thoubal, Thoubal District,
Manipur.

... Petitioner

-Versus-

1. The State of Manipur represented by the Additional Secretary(AR), Government of Manipur, office at Old Secretariat, Babupara, Imphal, PO & PS- Imphal, Imphal West District, Manipur.
2. The Director General, State Academy of Training, Takyelpat, Imphal, Government of Manipur Office at Takyelpat, P.O. Langjing & PS- Patsoi, Imphal West District, Manipur.
3. The Additional Director, State Academy of Training, Takyelpat, Imphal, Government of Manipur Office at Takyelpat, P.O. Langjing & PS- Patsoi, Imphal West District, Manipur.

... Respondents

4. Shri Oinam Rajesh Singh aged about 37 years, son of (L) O. Chaoba Singh, resident of Heirangoithong Ahongsangbam Leikai, P.O. & P.S. Singjamei, Imphal West District, Manipur.
5. Shri Maibam Samananda Singh aged about 37 years, son of (L) M. Tomba Singh, a resident of Tentha Kongbal, PO- Wangjing and & PS- Khongjom, Thoubal District, Manipur.
6. Shri Thokchom Ching kheinganba Moirangcha, aged about 36 years, son of Th. Binoy Singh, a resident of Lamding Thokchom Leikai, PO- Wangjing and PS- Thoubal, Thoubal District, Manipur.

... Proforma Respondent

B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the petitioner	:: Mr.K. Bipinchandra Sharma, Advocate
For the respondents	:: Mr.A.Vashum, Government Advocate
Date of Hearing	:: 20-12-2022
Date of Judgment	:: <u>10-01-2023</u>

JUDGMENT

Heard Mr.K.Bipinchandra Sharma, learned counsel appearing for the petitioner and Mr. A. Vashum, learned Government Advocate appearing for the respondents.

2] The present writ petition has been filed praying, inter alia, for directing the respondent Nos. 1 to 3 to recall/review/modify the selected list of candidates for undergoing three months 85th batch State Accounts Training or in the alternative to direct the respondents No. 1 to 3 to allow the petitioner to undergo the said State Accounts Training in the next 86th batch.

[3] The case of the petitioner is that he was appointed as Accountant alongwith 69(sixty-nine) other incumbents, including the present respondent nos. 4-6 on regular basis in order of merit in the Directorate of Education (S), Government of Manipur, by an order dated 24-12-2016 issued by the Director of Education(S), Government of Manipur. In the said appointment order, the name of the petitioner appears at Sl. No. **31** while the names of the respondent Nos. 4-6 appeared at Sl. No. **41, 42 and 49** respectively, thereby showing that the petitioner is senior to the respondent Nos. 4 – 6. It is also the case of the petitioner that since his appointment as Accountant, he has been discharging his duties sincerely, diligently and obediently without any blemish or adverse remarks and to the satisfaction of his superior officers, fellow colleagues and subordinate staffs. The petitioner has

also passed the Office Procedure Examination conducted by the State Academy of Training, Manipur at Takyelpat in the year 2019, which is an essential qualification for undergoing the said accounts training.

[4] On 08-10-2021, the Director General, State Academy of Training, Manipur issued a notification thereby notifying to all department concerned that the 6(six) months State Accounts Training (84th batch) was scheduled to commence from the 1st week of December, 2021 at the State Academy of Training, Takyelpat and that any Group 'C' employee who fulfils the eligibility criteria and who wish to participate in the said training should get himself/herself nominated by the concerned Head of Department/Head of Office on or before 17-11-2021. As per the said notification, the eligibility criteria was any Group-C employee who have passed Office Procedure Examination conducted by the State Academy of Training and having 3(three) years regular service in case of Graduate and 5(five) years regular service in case of Under Graduate were eligible for undergoing the said training.

[5] As the petitioner was eligible and interested to undergo the said training, he applied for the same by submitting an application dated 02-11-2021 and upon consideration of his application, the Director of Education (S), Government of Manipur nominated the names of 21(twenty-one) candidates including the petitioner to the State Academy of Training for the said training, however, the petitioner was not selected for the said training. It is the case of the petitioner that some candidates from the Education Department (S) who were junior to him was selected for the said training and according to the petitioner, such selection was made illegally, arbitrarily and without any justifiable reasons or norms.

[6] Subsequently, the Director General, State Academy of Training, Manipur issued a notification dated 28-07-2022 notifying that

eligible Group-C employees of the Government of Manipur may nominated themselves through the concerned Head of Department for undergoing the 3(three) months State Accounts Training (85th batch) scheduled to be commenced in the 4th week of August, 2022 at the State Academy of Training, Takyelpat, Manipur. The petitioner being eligible and interested applied for the said training and thereafter the Director of Education (S), Government of Manipur nominated 62 (sixty-two) employees including the petitioner in order of priority for attending the said 3(three) months (85th batch) State Accounts Training course. In the said list, the name of the petitioner is at Sl.No. 11 while the name of the respondent Nos. 4 - 6 are at Sl. Nos. 14, 15 & 19 respectively.

[7] It is the case of the petitioner that when the final select list dated 05-09-2022 was notified, the name of the petitioner was not included whereas the names of the respondent Nos. 4 – 6 who were junior to the petitioner, were included as having been selected for undergoing the said 85th batch State Accounts Training. Having been aggrieved, the petitioner approached this Court by filing the present writ petition.

[8] Mr. K. Bipinchandra Sharma, learned counsel appearing for the petitioner submitted that the said selection of 182 (one hundred and eighty-two) candidates for the 85th batch Training course has been made illegally, arbitrarily, irrationally and the same is tainted with extraneous consideration, selective discrimination, material irregularities, full of bias, favouritism, nepotism and without any application of minds and in complete violation of the provisions of Article 14 and 16 of the Constitution of India and therefore, bad in the eye of law.

[9] It has also been submitted that the selection of candidates for the 84th and 85th batch of State Accounts Training was full of doubt

and confusion and highly questionable for the simple reason that there was no proper yardstick and established procedure including the total number of candidates to be selected in a batch and proportionate representation from any department and accordingly, the selection method adopted by the official respondents was bad in law.

[10] It has also been submitted by the learned counsel appearing for the petitioner that on making inquiry by the petitioner, it was found out that the respondent Nos. 4 – 6 have been selected pursuant to the direction given by this Court in its order dated 07-03-2022 passed in WP(C)No. 977 of 2021. The said order was passed by this Court on the ground that persons who were junior to the respondent Nos. 4 – 6 have been allowed to join the said training by ignoring the nomination of respondent Nos. 4 – 6 without any justifiable reasons. The learned counsel for the petitioner vehemently submitted that the petitioner is also entitled to the same relief granted by this Court to the respondent Nos. 4 – 6 since the petitioner is senior to the said respondents and that if the petitioner is granted similar relief, the grievance of the petitioner will be fully redressed and assuaged. The learned counsel further submitted that the present writ petition may be disposed of by directing the official respondents to allow the petitioner to undergo the State Accounts Training in the next 86th batch of State Accounts Training.

[11] In the affidavit-in-opposition filed by respondent Nos. 1 and 2, it has been stated that the petitioner along with all the 563 other applicants were eligible for undergoing the State Accounts Training, however, on account of the limitation in the number of trainees who can be accommodated in one batch, all the applicants cannot be selected, accordingly, out of 563 applicants only 182 candidates were selected for the 85th batch State Accounts Training. In the said affidavit-in-opposition, it has also been stated that the Selection Board of the

85th batch State Accounts Training consists of officials nominated by the State Government as well as officials of the State Academy of Training, Takyelpat, Manipur and that the Selection Board resolved to make selection of trainees with seniority of service as principle criteria within the department. Accordingly, the most senior applicant in respect of Education Department (S) were selected, however, respondent Nos. 4-6 were selected as per the direction of this Court given in its order dated 07-03-2022 passed in WP(C) No. 977 of 2021.

[12] It has also been stated that the Selection Board have made the selection of the candidates for the 85th batch State Accounts Training after thorough discussion and application of minds and after due consideration of several factors to ensure the most possible fair selection and that selection for the next batches of State Accounts Training will also be made by the Selection Board with seniority within departments as the principle criteria. It has further been stated that if this Court directed the respondent Nos. 1-3 to select the present petitioner in the next batch of State Accounts Training, a situation is likely to arise whereby other applicants who are senior to the petitioner will be superseded by the petitioner in the next batch of selection and this could result in a cycle of similar petitions being made by the other applicants for inclusion in the State Accounts Training.

[13] I have heard the rival contentions advanced by the learned counsel appearing for the parties at length and also carefully perused the records of the present petition. On careful examination of the statements made by the official respondents in their affidavit-in-opposition, this Court is of the considered view that respondent Nos. 4 – 6 have been included in the selection list of candidates for undergoing the 85th batch of State Accounts Training pursuant to the direction given by this Court in its order dated 07-03-2022 passed in WP(C) No. 977 of 2021. The said order had been passed by this Court

only on the ground that since the candidates who were junior to the present respondent Nos. 4 – 6 have been allowed to join the said training by ignoring the nomination of respondent Nos. 4 – 6 without any justifiable reason. This Court also found considerable force in the submission advanced on behalf of the official respondents that if this Court directs the official respondents to select the petitioner in the 86th batch of State Accounts Training without considering the seniority position of the petitioner in the Education Department (S), a situation is likely to arise whereby other applicants who are senior to the petitioner may be superseded by the petitioner in the next batch of selection and this could result in a cycle of similar petitions being made by the other applicants for inclusion of their names in the select list for the said State Accounts Training. This Court is also of the considered view that if the selection of candidates for undergoing the said State Accounts Training is based on seniority, there will be no question of superseding a senior by a junior within the same department and accordingly, this Court is of the considered view that the criteria adopted by the Selection Board for selecting the candidates for the 85th batch training is just and reasonable and this Court do not find any ground or reason for interfering with the same.

[14] On being inquired about seniority position of the petitioner in the Education Department (S), neither counsel for the petitioner nor the Government Advocate could furnish any information to this Court. This Court is of the considered view that if the petitioner is granted similar relief as were granted to respondent Nos. 4 - 6 without ascertaining the seniority position of the petitioner, there is every likelihood of allowing the petitioner to supersede a senior incumbent within the Education Department (S). Accordingly, this Court declines to grant the relief sought by the petitioner in the present writ petition. In the result, the present writ petition is hereby dismissed.

[15] In the facts and circumstances of the present case, the parties are directed to bear their own costs.

JUDGE

Dhakeshori

FR/NFR