

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

**WP(C) No. 3 of 2024 with
MC(WP(C) No. 2 of 2024**

Telem Ibungochouba Singh

.....Petitioner/s

- Versus -

Manipur University & 2 Ors.

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order (Oral)

28.08.2024

[1] Heard Mr. M. Hemchandra, learned senior counsel assisted by Mr. M. Rendy, learned counsel for the petitioner, Mr. BP. Sahu, learned senior counsel assisted by Ms. Tania, learned counsel for respondent Nos. 1 & 2 and Mr. S. Jasobanta, learned counsel for the UGC.

[2] The petitioner approached this Court for linking up of his past service rendered in Government College before joining Manipur University. The prayer is reproduced as:

- “(i) To admit the present writ petition.
- (ii) To issue rule nisi calling upon the respondent to show cause as to why prayer made by the petitioner shall not be granted in the facts and circumstances of the present petition.

- (iii) To issue a writ in the nature of Certiorari/Mandamus or any other appropriate writs/orders/directions to quash and set aside the impugned portion in respect of petitioner appeared in Sl. 3 in office order No./2094 bearing No. MU/5-168/19/FYC dated 11th May, 2021 issued by the Registrar, Manipur University (Annexure-A/4) in the facts and circumstances of the present case.
- (iv) To issue a writ in the nature of Mandamus/certiorari or any other appropriate writ/directions/orders, direction to review/rectify the discrepancies discernible in the order vide office order No./2094 bearing No. MU/5-168/19/FCY dated 11th May, 2021 (Annexure-A/4) issued by the Registrar, Manipur University with respect to effective date/w.e.f. promotion to Assistant Professor (Stage-III) i.e. 14.05.2018 instead of 22.05.2020 under the Career Advancement Scheme, by counting the past 2 years some days regular service as Assistant Professor (Stage-II) in United College, Chandel as per the UGC regulations and Ordinance D-5 issued by the Manipur University and three member Committee recommendations (Annexure-A/6 Colly) & 7), and in light of the order dated 10.01.2023 passed on WP(C) No. 824 of 2021 (at Annexure-A/11) in the facts and circumstances of the present case.
- (v) To issue a writ in the nature of Mandamus/certiorari or any other appropriate writ/directions/orders, direction consider and dispose of the representation dated 03.01.2024 (at Annexure-A/13) submitted by the petitioners by

passing a reason and speaking order, in the facts and circumstances of the present case.

(vi) If no cause is shown or insufficient cause is shown, make the rule absolute.

(vii) To call for the relevant records.

(viii) To pass any order/writ/directions which the Hon'ble Court deem fit and proper in the facts and circumstances of the present case."

[3] Mr. M. Hemchandra, learned senior counsel for the petitioner, submits that the petitioner was appointed as Assistant Professor in Mathematics Department, Manipur University vide order dated 25.05.2015 issued by the Registrar, Manipur University with effect from 22.05.2015. Prior to this, the petitioner was serving as Assistant Professor in Mathematics Department in United College, Chandel (Government College) with effect from 14.05.2013.

[4] As per the UGC regulation dated 30.06.2010 issued by the UGC prescribing minimum qualification for Teaching Staff in the university, para 6.4 (C) Career Advancement Scheme (CAS) for University Teachers, prescribes eligibility criteria for Assistant Professor and Ordinance D-5 of Manipur University Ordinance for counting past service for direct recruitment and provision under CAS, the appointee will be entitled for linking up of past service in Government College.

[5] Accordingly, the Executive Council of the Manipur University prepared and recommended names of various teachers for linking up of past service. A recommendation was submitted to the

Manipur University by duly constituted Committee for linking up of past service of the various Assistant Professors for the purpose of CAS. At serial No. 3 the name of the petitioner is recommended for linking up of past service in the United College, Chandel. Likewise, one Dr. K. Binod Mangang, who was also appointed in Mathematics Department, his case was also recommended for linking up of past service in Mizoram University. Dr. K. Binod Mangang, on failure to link up his past service by MU, approached this Court by way of writ petition being WP(C) No 824 of 2021 for directing the university to link up his past service in Mizoram University and vide order dated 10.01.2023, this Court directed Manipur University to consider to issue necessary order for linking up of past service of Dr. K. Binod Mangang for past service at Mizoram University. Vide order dated 10.01.2023, the Registrar, Manipur University issued a speaking order dated 10.05.2023 for linking up of past service of Dr. K. Binod Mangang as directed by this Court.

[6] Mr. M. Hemchandra, learned senior counsel for the petitioner, submits that the case of the petitioner herein is also exactly similar to Dr. K. Binod Mangang who is also appointed as Assistant Professor in the same Mathematics Department except for the fact that they were earlier served in different Government Colleges. In terms of the Ordinance D-5 of Manipur University as well as regulations issued by the UGC and as recommended by the duly constituted Committee the case of the petitioner, the respondent university may be directed to

link up his past service for the purpose of CAS as done in the case of Dr. K. Binod Mangang.

[7] Mr. BP. Sahu, learned senior counsel for the Manipur University, submits that the case of the petitioner will require consideration by the Executive Council.

[8] This Court has considered the submissions made at the bar, perused the materials on record and earlier decision of this Court in the subject matter.

[9] It is admitted fact that the petitioner was earlier working in the United College, Chandel which is Government College prior to his appointment as Assistant professor in Manipur University and as per UGC guidelines and Ordinance D-5 of Manipur University, the direct appointees are entitled to link up of their past service in the earlier Government College for the purpose of CAS. Admittedly, the petitioner was working as Assistant Professor in the United College, Chandel prior to his appointment as Assistant Professor in Mathematics Department, Manipur University. It is admitted fact that the case of the petitioner along with others including Dr. K. Binod Mangang was recommended for linking up of service in terms of the UGC guidelines and Ordinance D-5 of the Manipur University for the purpose of CAS.

[10] In the judgment and order dated 10.01.2023 passed by the Ld. Single Judge of this Court in WP(C) No. 824 of 2021 filed by Dr. K. Binod Mangang, this Court directed to consider the claim of Dr. K. Binod Mangang for linking up of service and promotion. The direction of

the Ld. Single Judge has attained finality as the Registrar, Manipur University issued a speaking order dated 10.05.2023 for linking up the service of Dr. K. Binod Mangang for the past service in Mizoram University for the purpose of CAS.

[11] Even though, this Court find merits in the submissions of Mr. BP. Sahu, learned senior counsel for the Manipur University, that the case of the present petitioner may be directed for consideration as done in the case of Dr. K. Binod Mangang, this Court is not inclined to pass that order as the direction of the Ld. Single Judge has already been complied by issuing a speaking order and similarly situated person as the petitioner has already been granted the benefit of linking up of past service for the purpose of CAS . Directing the Manipur University to consider the same will be a futile exercise as the university has taken a conscious decision to link up of past service.

[12] Consistency and equal treatment to all similarly situated person is the hallmark of the principle of equality enshrined under Article 14 of the Constitution as held by the Hon'ble Supreme Court in the catena of decisions. Since the university authority has already taken a decision for linking up of past service of similarly situated persons, the petitioner is also entitled to the same benefit and he cannot be left out. Recently this Court has held in the case of **Dr. L. Saratchandra Singh vs. State of Manipur: 2024 SCC Online Manu 197** that similarly situated persons should not be left out of the group.

[13] Accordingly, instead of directing the University to consider the case of the petitioner, this Court directs Manipur University authority to issue necessary order for linking up of past service of the petitioner with effect from 14.05.2013 for the purpose of CAS in the cadre of Assistant Professor (Mathematics Department), Manipur University by counting his past service in Government College. The same exercise shall be completed within a period of 3 (three) months from the date of receipt of a copy of this order.

[14] With this observation, writ petitions is allowed and disposed of. Misc. application is also closed.

[15] Registry is directed to send a copy of this Order to the Registrar, Manipur University for information and necessary compliance.

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

[17] Parties are directed to bear their own costs.

JUDGE

Kh. Joshua Maring

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