

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

WP(C) No. 57 of 2024

Laishram Amitkumar Singh

.....*Petitioner/s*

- Versus -

Union of India & Anr.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

19.01.2024

[1] This item is taken up on motion as supplementary item.

[2] Heard Mr. N. Ibotombi, learned senior counsel for the petitioner assisted by Ms. N. Savitri, learned counsel.

[3] It is the case of the petitioner that he was appointed as Data Operator in the office of respondent No. 2, i.e. Institute of Bioresources and Sustainable Development (IBSD) vide letter dated 15.12.2006. Vide letter dated 07.12.2013, the respondent No. 2 offered the post of Technical Assistant to the petitioner and vide another letter dated 10.03.2021, the petitioner is engaged as Technical/Admn. Supporting Staff on contractual basis and this contractual appointment is extended from time to time.

[3] It is submitted that respondent No. 2 has issued advertisement No. 08/2023 dated 02.12.2023 for recruitment of one post of Senior Administrative Officer and the maximum age limit is 40 years. The petitioner has also submitted an application for the said post but on the date of submission of application form, his age is 44 years 8 (eight) months and 12 days and he has apprehension that his application may be rejected.

[4] The petitioner submitted a representation dated 05.01.2024 to respondent No. 2 for considering his application regarding relaxation of the age and giving preference for his service.

[5] Mr. N. Ibotombi, learned senior counsel for the petitioner, draws the attention of this Court to Rule 8 (vi) of the Institute of Bioresources and Sustainable Development Recruitment Rules, 2018 which provides that upper age limit shall not be applicable to existing employees of the Institute or any employee of Department of Biotechnology if they apply for the posts of the Institute under these rules which are proposed to be filled by Direct Recruitment/Deputation method.

[6] Mr. L. Anand, learned counsel for respondent No. 2, has pointed that the appointment of the petitioner is on contractual basis and co-terminous. It is submitted that as per the order dated 22.11.2023, there will be no further extension beyond 31.12.2023. He submits that this Court may pass appropriate order to consider the representation of the petitioner and he is agreeable to the submission of the learned counsel for the petitioner provided this Court does not express any opinion on the merit of the case.

[7] Mr. Vijayanand Sharma, learned Sr. PCCG for respondent No. 1, adopts the submission of Mr. L. Anand, learned counsel for respondent No. 2.

[8] Learned senior counsel for the petitioner clarifies that the petitioner is still working in the institute.

[9] Considering the submissions made by the learned counsel for the parties at the bar and on perusal of the materials on record, writ petition is disposed of directing the respondent No. 2 to consider the representation dated 05.01.2024 submitted by the petitioner and Rule 8 (vi) of the Institute of Bioresources and Sustainable Development Recruitment Rules, 2018 at the time of screening of the application. It is clarified that this Court does not express any opinion on merit of the case.

[10] With this observation, writ petition is disposed of.

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

JUDGE

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KH. JOSHUA
MARING

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KH. JOSHUA MARING
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