

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

WP(C) No.138 of 2024 with
MC (WP(C)) No.108 of 20024

Md.Hamidur Rahaman & 12 Ors ... Petitioners

-Versus-

State of Manipur & 163 Ors ... Respondents

BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA
16.12.2024

Present Mr.Kh.Tarunkumar, learned senior counsel assisted by Ms.Julekha, learned counsel for the petitioners, Mr.M.Devananda, learned Addl.A.G, Manipur assisted by Ms.Jyotsna, learned counsel for the State and Mr.P.Tamphamani, learned counsel for the private respondents.

The petitioners herein (thirteen in numbers) approached this Court, inter alia, challenging the appointment order dated 31.1.2024 (Annexure A/37) issued by the respondents appointing 161 posts in the Transport Department under various categories only on the ground that 10% reservation quota under die-in-harness scheme has not been earmarked while making appointment of the private respondents under direct recruitment quota.

Vide order dated 26.2.2024 this Court stayed the appointments of the respondents in pursuance to appointment order dated 31.1.2024 on the undertaking of the learned Addl. A.G to the effect that 14 (fourteen) seats out of thirty vacancies, will be earmarked for appointment under die-in-harness scheme in the

Department, under clause (a) of the Office Memorandum dated 7.12.2017.

Mr.M.Devananda, learned Addl. A.G as well as Mr.P.Tamphamani, learned counsel appearing for the private respondents submit that the writ petition may be disposed of at this stage by reiterating the contents of Para-9 and 10 of this Court's order dated 2.4.2024.

Mr.Kh.Tarunkumar, learned senior counsel for the petitioners is also agreeable to the submissions of learned counsel for the respondents with the admission that the petitioners' case will also be considered against the fourteen reserved posts under die-in-harness scheme.

Recording the submissions made at the Bar and in view of the nature of relief claimed by the petitioners, the writ petition is disposed of with the direction to the State respondents to reserve fourteen seats under the die-in-harness scheme for consideration of the applicants under die-in-harness scheme including the case of the petitioners.

Mr.Kh.Tarunkumar, learned senior counsel submits that direction maybe issued to the State respondents to expedite the process of filling up of posts under the die-in-harness scheme within a stipulated time.

Mr.Devananda, learned Addl. AG submits that final seniority list of the applicants under die-in-harness scheme is yet to be completed and some reasonable time may be granted.

Para 9 and 10 of the order dated 2.4.2024 reads as under:

"9. Mr.M.Devananda, learned Addl. AG fairly submits that in order to do complete justice to the petitioners as well as to the private respondents 14 (fourteen) seats out of 30 (thirty) vacancies may be kept reserved for consideration of the applicants under Die-in-harness scheme in the Department in pursuance to the clause 7 of the OM and the interim

order restraining the appointment of the private respondents be modified. Mr.N.Kumajit, learned senior counsel appearing for the private respondents is also agreeable to the suggestion made by the learned Addl. Advocate General. However, Mr.Kh. Tarunkumar, learned senior counsel appearing for the petitioners has expressed some doubt about the possibility of the said proposal because as per the OM 10 (ten) seats out of 118 originally advertised and 4 (four) seats (i.e. 10% of the subsequent 43 vacancies) are to be earmarked separately.

10. Considering the submission made at the Bar, this Court modifies the interim order dated 26.2.2024 by allowing the State respondents to take up necessary steps for appointment in terms of the notification dated 31.1.2024 and 14 (fourteen) posts be kept apart for considering for all the pending applications under Die-in-harness scheme. This arrangement is subject to the outcome of the present writ petition."

The process of appointment of 14 (fourteen) reserved seats under die-in-harness scheme quota be completed within a stipulated period of four months from the date of receipt a copy of this order.

It is clarified that para 10 of the order dated 2.4.2024 is modified by deleting the last line "This arrangement is subject to the outcome of the present writ petition" since the writ petition is disposed of by this order.

With these observations and direction, the writ petition is disposed of.

Misc case also stands disposed of in terms of the above.

JUDGE

Priyjit

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by RAJKUMAR
PRIYOJIT SINGH
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