

Item No. 6-9(Supp.)

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

MC(WP(C))No.155 of 2024

with

MC(WP(C))No.108 of 2024

with

MC(WP(C))No.154 of 2024

with

WP(C)No.138 of 2024

Suraj Lisam & 100 Ors.

...Petitioners

- Versus

MD Hamidur Rahman & 74 ors.

...Respondents

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

02.04.2024.

[1] Present Mr. Kh. Tarunkumar, learned senior counsel assisted by Mr. W. Jamon, learned counsel on behalf of the petitioners, Mr. M. Devananda, learned Addl.AG assisted by Ms. Jyotsana Devi, learned counsel on behalf of respondent Nos. 1 & 2 and Mr. N. Kumarjit, learned senior counsel assisted by Mr. P. Tamphamani, learned counsel on behalf of some of the private respondents.

[2] The petitioners who are 13(thirteen) in numbers challenged the notification dated 31.01.2024 issued by the Director, Transport of Manipur, declaring the result of 161(one hundred and sixty one) posts of different categories in the Transport Department of

Manipur in pursuance to the advertisement dated 06.04.2021. In the advertisement only 118 posts were advertised but due to creation of 43(forty three) new posts 161(hundred and sixty one) posts are recommended by the notification dated 31.01.2024. The said notification dated 31.01.2024 is challenged mainly on the ground that 10(ten) percent seats reserved under Die-in-harness scheme vide OM dated 07.12.2017 was not complied with.

[3] Vide order dated 26.02.2024, this Court issued notice and passed interim order directing that no appointment be made in pursuant to the notification dated 31.01.2024 and the interim order has been extended from time to time. Some of the private respondents represented by Mr. N. Kumarjit, learned senior counsel filed two applications being MC(WP(C))No.154 of 2024 and MC(WP(C))No.155 of 2024 for vacating or modifying interim order dated 26.02.2024.

[4] Today, the matters are listed for consideration of the applications for vacating or modifying the interim order. During the course of hearing, Mr. M. Devananda, learned Addl.AG submits that the recruitment of 118 posts advertised in the year 2021 was for the vacancies arose in the year 2018 and the same was issued after deducting 10(ten) seats as completed in clause 7 of the O.M. dated 07.12.2017 where maximum 10(ten) seats out direct recruitment vacancies have to be kept apart for consideration of 10(ten) percent for consideration of all the applicants under Die-harness Scheme.

[5] It is also stated that during the year 2018 and 2019, 6(six) applicants under Die-in-harness scheme have been appointed and 4(four) seats are remaining out the 10(ten) seat reserved. It is also submitted at the Bar that as per report, there are 30(thirty) posts of Group C&D posts in the Administrative Department at the moment.

[6] Mr. N. Kumarjit, learned senior counsel for the private respondents submits that the private respondents have suffered without any fault on their part and prays that the interim order may be vacated/modified in order to do complete justice to the private respondents.

[7] Mr. Kh. Tarunkumar, learned senior counsel for the petitioners has pointed out that in the counter affidavit filed by the State respondents the recruitment years are not mentioned.

[8] Mr. M. Devananda, learned Addl.AG prays that he may be permitted to file additional affidavit to bring all the relevant documents on record within one weeks with advance copy to the other counsels and reply, if any, to the additional affidavit within 3(three) days thereafter.

[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 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. Kumarjit, 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 subsequent 43 vacancies) are to be earmarked separately.

[10] Considering the submission made at the Bar, this Court modifies the interim order dated 26.02.2024 by allowing the State respondents to take up necessary steps for appointment in terms of the notification dated 31.01.2024 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.

[11] List on 15.04.2024.

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

[13] In view of the above observations misc. cases being MC(WP(C))No.154 of 2024 and MC(WP(C))No.155 of 2024 are closed.

JUDGE

John Kom