

Item No.1&2

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

WP(C)No.255 of 2024

Longjam Subhaschandra Singh, aged about 57 years, S/o (L), L.
Mani Singh of Wangkheimayum Leirak, Imphal East PO & PS
Porompat, Imphal East District Maniur.

.....Petitioner

– Versus –

1. .The State of Manipur represented by the Chief Scretary(DP),
Government of Manipur, Secretariat, Babupara, PO & PS
Imphal, Imphal West District, Manipur-795001.
2. The Secretary, Skills Labour Employment and
Entrepreneurship Department, Government of Manipur,
Secretariat, Babupara, PO & PS Imphal, Imphal West District,
Manipur-795001.
3. Yaiphaba Longjam, MCS, Joint Director of Craftsmen Training
and Deputy Director/ JNIMS Manipur, Porompat, PO & PS
Porompat, Imphal East District, Manipur-795005

.... Respondents

With

MC(WP(C))No.216 of 2024

BEFORE

HON'BLE JUSTICE MR. JUSTICE A. GUNESHWAR SHARMA

ORDER

(Ora)

26.04.2024.

[1] Heard Mr. H. S Paonam, learned senior counsel assisted
by Mr. A. Arunkumar, learned counsel for the petitioner, Mr. Lenin Hijam,

learned AG assisted by Ms. Sharmila, learned counsel for the State respondents and Mr. L. Anand, learned counsel assisted by Mr. B. Kirankumar, learned counsel for respondent No.3.

[2] The petitioner herein challenged the order dated 13.03.2024 passed by the State respondents appointing the respondent No.3 as Joint Director(Training), Directorate of Craftsmen Training Manipur, in addition to his present posting as Deputy Director(JNIMS) on deputation without any remuneration.

[3] Earlier, the petitioner also challenged the impugned order dated 25.02.2024 issued by the State respondents appointing respondent No.3 herein as in-charge Joint Director(Training), Directorate of Craftsmen Training Manipur on in-charge basis by way of writ petition being WP(C)No.170 of 2024 and vide order date 07.03.2024, this Court stayed the in-charge appointment order. On the same day itself, the State respondents cancelled the in-charge appointment order dated 25.02.2024 and subsequently issued the present impugned order dated 13.03.2024 as Joint Director (Training) on deputation as contemplated under the relevant rules.

[4] In the present writ petition, the State and the private respondents have filed applications for objection to the maintainability of the present writ petition by way of MC(WP(C))No.233 of 2024 and WP(C)No.239 of 2024 on the ground that the petitioner himself admitted that he is not eligible for regular promotion and as per relevant rules and

he has no locus to challenge the appointment of the respondent No.3 on deputation. It is contended that the rules provide for appointment by deputation when none is available for promotion and failing which by direct recruitment.

[5] Vide order dated 24.04.2024, this Court observed that the impugned order dated 13.03.2024 is not an order on deputation purely and in substance it is an appointment on in-charge basis, as respondent No.3 is not entitled to any extra remuneration and the same is in addition to his posting as Deputy Director, JNIMS.

[6] During the course of hearing, Mr. Lenin Hijam, learned AG draws the attention of this Court to para 7 to 12 of the MC(WP(C))No.239 of 2024 filed by the State respondents alleging that the petitioner has no locus. Since the petitioner is not eligible for promotion, the State respondents have resorted to the second mode of recruitment contemplated under the rules and as such no writ of certiorari lies at the behest of the ineligible candidate. It is also submitted that the State respondents are contemplating to prefer an appeal against the order dated 24.04.2024 passed by this Court in the Misc. applications. Accordingly, it is submitted that the writ petition may be dismissed on this ground without going into the detail merit of the case.

[7] Mr. Lenin Hijam, learned AG further draws the attention of this Court to the fact that in terms of the order dated 13.03.2024, the prayer in the earlier writ petition being WP(C)No.170 of 2024, has

become infructuous. However, Mr. H. S Paonam, learned senior counsel for the petitioner has clarified that the prayer No.(ii) of the said writ petition being WP(C)No.170 of 2024 regarding consideration of the petitioner for in-charge posting is still surviving.

[8] It is also submitted by Mr. Lenin Hijam, learned AG for the State respondents that the State is contemplating to resort to the other method of recruitment as provided in the relevant rules, if the proposed appeal fails.

[9] Mr. L. Anand, learned counsel appearing for respondent No.3 has adopted the submissions of the learned AG and refers to the contents at para 7 & 8 of MC(WP(C))No.233 of 2024. It is emphasized that since the petitioner is not an aggrieved person, being ineligible for promotion he has no right to challenge the appointment of respondent No.3 on deputation and submitted that the writ petition may be dismissed of being devoid of merit at this stage.

[10] Mr. H. S Paonam, learned senior counsel for the petitioner refers to the contents of the writ petition at para 2, 10, 15, 22 & 25 of the writ petition by highlighting that the present impugned order is nothing but a device to frustrate the order passed by this Court in WP(C)No.170 of 2024 staying in-charge appointment. Since the petitioner is the senior most amongst the feeder cadre, the appointment of respondent No.3 on deputation is illegal and nothing but appointment on in-charge basis. It is submitted that the petitioner has every right to be considered for

appointment on in-charge basis and prays that the impugned order may be set aside.

[11] This Court has considered the submissions made at the bar and perused the materials available on record. This Court is of the opinion that considering the submissions of learned AG, the present writ petition may be disposed of at this stage by setting aside the impugned order and by giving liberty to the State to resort to all methods of recruitment as provided in the Recruitment Rules, 1999 for the post of Joint Director of Training in the Directorate of Craftsmen Training, Manipur.

[12] Accordingly, the impugned order dated 13.03.2024 is set aside by giving liberty to the State to resort all methods of recruitment as provided in the relevant recruitment rules. If in-charge appointment is to be made, the case of the petitioner may be considered strictly as per applicable rule and instruction.

[13] It is clarified that this Court does not express any opinion on the respective merit of the case apart from those observed in the order dated 24.04.2024 with regard to the nature of the appointment of respondent No.3 as on in-charge basis.

[14] With the above observations, the present writ petition along with pending application are disposed of.

[15] Registry is directed to list WP(C)No.170 of 2024 along with the application today in supplementary list today itself.

[16] Registry is directed to furnish a copy of this order to the learned counsel appearing for the parties today itself.

JUDGE

John Kom