

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

PIL No. 20 of 2023

Sangita Haobam

Petitioner

Vs.

State of Manipur and 2 Others

Respondents

BEFORE
**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

ORDER

02.07.2024

Siddharth Mridul, C.J.:

None appears on behalf of the petitioner. There was no appearance on behalf of the petitioner on the 26th June, 2024, the previous date of hearing as well, when adverse orders were deferred in the interest of justice.

Mr. M. Devananda, the learned Additional Advocate General, appearing on behalf of the State of Manipur would contend that the present being a service matter, no public interest litigation is maintainable in view of the dictum of the Hon'ble Supreme Court in ***Pratap Singh Bist Vs. The Director, Directorate of Education, Govt. of NCT of Delhi & Ors.*** wherein the Hon'ble Supreme Court held as follows :

*"4. In this view of the matter and having regard to the fact that the respondent nos.5 to 17 have already served for almost 15 years, we are not inclined to entertain these special leave petitions against their selection or appointment. However, the second reason assigned by the High Court, namely, that "PIL is not at all maintainable in service matters" in view of the decision of this Court in **Dr. Duryodhan Sahu and Others vs. Jintendra Kumar Mishra and Others, (1998) 7 SCC 273**, is a debatable issue and the said question of law is kept open, to be gone into an appropriate case."*

And also in the case of ***Jagdish Prasad Vs. State of U.P. through Principal Secretary Basic Education and 5 Others*** decided on 24.08.2020 in PIL No. 751 of 2020 by the Hon'ble Allahabad High Court which reads as follows :

"15. In N.Veerassamy vs. Union of India, reported in (2005) 2 MLJ 564, while considering a public interest litigation filed by a treasurer of a political party, praying to take action against Mrs.Lakshmi Pranesh, IAS, the fifth respondent therein, under the All India Services (Discipline and Appeal) Rules, 1969, for allegedly making allegations against a leader of a political party, following the above judgments of the Honourable Apex Court, a Hon'ble Division Bench of this Court held as follows:-

"It is settled law that no writ in the form of public interest litigation will lie under Article 226 of the Constitution in service matters. The petitioner has no locus standi to file the public interest litigation. The extraordinary powers of the High Court under Art.226 of the Constitution in matters of this kind is required to be used sparingly and only in extraordinary cases." "The service matters are essentially between the employer and the employee and it would be for the State to take action under the Service Rules and there is no question of any public interest involved in such matters."

"The petition is not only not maintainable either in law of facts but also would amount to abuse of the process of Court."

Be that as it may, since none appears on behalf of the petitioner, the present PIL is dismissed in default for non-prosecution.

Sushil

JUDGE

CHIEF JUSTICE