

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

WP(C) No. 958 of 2015

Fatima Begum

.....*Petitioner/s*

- Versus -

State of Manipur

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order (Oral)

06.08.2024

[1] Heard Mr. Juno Rahman, learned counsel for the petitioner, Mrs. Ch. Sundari, learned G.A. for the State respondent and Mr. L. Sevananda, learned counsel along with Mr. Hodam Shivarex, learned counsel for private respondent Nos. 5 & 6.

[2] By the present petition, the petitioner challenged the entire DPC proceeding held from 26.09.2015 to 29.09.2015 for appointment of private respondent Nos. 5 & 6 as two approved Assistant Teachers in Changamdabi Girl's L.P. Madrassa (Aided) and consequential relief of considering her recommendation as approved Teacher on the basis that she is senior to the private respondent Nos. 5 & 6.

[3] It is the case of the petitioner that she was appointed vide order dated 01.06.1982 as Assistant Teacher in Changamdabi Girls L.P. Madrassa with effect from the date of her joining whereas the

private respondent Nos. 5 & 6 have been appointed only in the year 2015 in terms of the impugned DPC proceeding. Being senior most, her case has to be considered. It is the case of the School Management Committee (respondent No. 4) and private respondent Nos. 5 & 6 that the petitioner never joined in pursuance of the order dated 01.06.1982 and as such, she cannot claim seniority from the date of appointment.

[5] It is also pointed out that the Headmaster of the School has stated that since 1984, he did not see the petitioner in the school during his tenure. The School Management Committee has also pointed out that in the Attendance Register maintained by the school, the name of the petitioner is not shown and there is no signature in the register.

[6] Mrs. Ch. Sundari, learned G.A. for the State respondent, submits that there is no document to show that the petitioner joined to the post in terms of the appointed dated 01.06.1982.

[7] Mr. Juno Rahman, learned counsel for the petitioner, submits that if the appointment of the petitioner is no effective, there should be no occasion for the School Management Committee to issue the order dated 21.10.2014 terminating her service. Since her termination order is set aside by this Court vide order dated 29.11.2017 passed in WP(C) No. 378 of 2017 filed by the petitioner, it is an admitted fact that she is a Teacher in the school. It is the case of the petitioner that she is still a Teacher in Changamdabi Girl's L.P. Madrassa.

[8] Learned counsel for the respondents has pointed out that this Court set aside the termination order of the petitioner only on the ground of not affording any opportunity of being heard and nothing has been mentioned about the date of joining of the petitioner in pursuance to the order dated 01.06.1982.

[9] During the course of hearing, learned counsel for the respondents draws the attention of this Court to the order dated 29.11.2017 passed by this Court that the present petition involved disputed questions of facts which this Court did not want to interfere. However, at the request of the learned counsel for the petitioner, some time was given to produce documents to show that the petitioner is still serving in the school and senior to the private respondents.

[10] Pursuant to the above order, the petitioner filed additional affidavit dated 06.02.2018 whereby in a report submitted by the ZEO, Zone-II, Imphal East, the name of the petitioner was shown at Serial No. 30 (Unapproved Teacher) with the date of appointment as 30.05.1982. However, in Annexure – A/14 filed by the petitioner which is a letter dated 19.05.2015 written by the Head Master of the School to the ZEO, Zone-II, Imphal East. Annexures – A/13 & A/14 are reproduced as:

“Annexure – A/13:

THE SCHOOL INFORMATION FOR GRANT-IN-AID SCHOOLS IN THE JURISDICTION OF THE INSPECTOR OF SCHOOLS, ZONE-II.

1. *Name of the School : The Changamdabi Girls LP Madrassa.*
2. *Date of recognition : 5/2/1973 No. 3/1/64-SE...*

3. Year & Date of Extension of Grant-in-aid : Up to date
SL. No. 102.
4. Area of the School Compound with Patta No./with one
jamabandi copy : Khash Land 55x66 feet.
5. Furniture : Bench 11 desk 11 Tab 3 Chair....
6. Teaching Aid if any : and other
7. Classwise enrolment :

	Class	Boys	Girls	Today
Class	1(A)--	22	--13	=35
Class	1(B)--	18	--16	=34
Class	II---	11	--9	<u>=20</u>
				89

8. *Particulars of teachers (Certificates in original with Service Book should be submitted to the Inspector of Schools, Zone – II before the 7th February, 1993.*

Sl. No.	Name of the Teacher with qualification	Date of appointment copy of appointment/orders/proceeding of DPC	Approved Unapproved	Remarks
1	Md. Shaheruddin Matriculate	No.1/YCo180-51 Dated 15 th Feb. 81	approved	
2.	Warish Ali Matriculate	No.3/5/86-ED(15-11-06 15 th October 87	approved	
3.	Fatima Bibi B.A.	30/5/82	unapproved	

Full Signatures with Seals:-

-Sd/-

-Sd/-

-Sd/-

(i) *Head Master*

(ii) *Secretary*

(iii) *Chairman*

10. Comments for the concerned Officer:-“

“Annexure-A/14:

Office of the
Changamdabi Girls LPS (Aided), Changamdabi

No. 1/1/Appt/2015

Changamdabi, 19th May, 2015

Sir,

*The ZEO
Zone-II, Imphal East.*

Subject: Application submitted by Miss Fatima Begum for appointment to the post of Teacher.

Sir,

With reference to the application of Miss Fatima Begum for appointment to the post of Asst. Teacher, I am to state the following facts for further examination and necessary action.

That, I came to know that she is also serving as a Teacher at Changamdabi Girls LPS (Aided) after receiving her application forward by you only.

That, I was serving as a Graduate Teacher since, 1994 and after 6/7 years, I was promoted to the post of transfer by the School Managing Board.

That, from the date, I joined my duty in the 1994 till date I do not Miss Fatima Begum not even a single day in the school.

It is surprised to learnt that she is stated/claiming that she is serving as a Teacher since, 1.6.1982.

Enclosed: Application (original)

Yours faithfully,

(Sh. Amuchou Singh)

Head Master

Changamdabi Girls LPS (Aided) School.”

[11] In Annexure – A/15, the Assistant Inspector of School informed the ZEO, Zone-II, Imphal East vide letter dated 20.05.2015 that the petitioner was not attending duty since 24.06.2011. Annexure – A/15 is reproduced as:

“The Zonal Education Officer ZEO, Z-II
Porompat Imphal East.

Subject: Submission by Mrs. Fatima Begum for
appointment order o the post of teacher.

Sir,

I have the honour to report that I have inspected the Changamdabi Girls LP (Aided on 16/05/015 at about 8 am and found that Smt. Mrs. Fatima Begum un-approved teacher of the said School was not attended and duly since June 24/2011 on wards as per record maintained by the Head master and also enclosed the report of the concerned Head Maser in this regard.

Submitted for kind information and n/a.

20th May, 2015

Sd/-

...Abdul....

C/A/1 of...

Seal: Asstt.

Inspector of Schools

[12] This Court is of the opinion that on perusal of the documents, they seem to be contradictory to one another and on the failure of the petitioner to file specific documents indicating her date of joining in terms of the appointment order dated 01.06.1982, there is no clear date on which the petitioner joined as Assistant Teacher in the school in pursuance to the appointment order.

[13] On plain reading of the appointment order dated 01.06.1982, the appointment order is to be effective on the date of joining. Since the petitioner is not able to indicate the exact date of joining, her seniority position cannot be asserted in the writ proceedings in face of the disputed facts arising in the present petition. In order to show that the petitioner is still working in the school, she has filed copies of Constitution of School Management Committee in which her name is shown in the category of LE. In Manipur Education Code, 1982, Chapter-VI School Management Committee, Section-I Manipur Aided Secondary Schools (Managing Committee) Rules, 1975 Rule 2 provides composition of School Management Committee consisting of (i) Head Master, (ii) Two Teachers Representatives, (iii) Two Guardians' Representatives, (iv) One Representative elected by Donors, (v) Founder, (vi) One Member elected by Subscribers and (vii) Four Members of – one from Education Department and 3 local persons interested in Education.

[14] From perusal of the rules concerning School Management Committee and various orders incorporating the petitioner in the Committee in the category of LE, it is apparent that the name of the petitioner was included in the category of local persons interested in Education. The same could not be a proof of her being a teacher in the School.

[15] During the course of hearing, Mr. Juno Rahman, learned counsel for the petitioner, submits that the petitioner is still working in the school as Assistant Teacher (Unapproved).

[16] In view of the order dated 29.11.2017 passed in WP(C) No. 378 of 2018, it is admitted fact which has been taken judicial note by this Court that the petitioner is still unapproved Assistant Teacher in Changamdabi Girls LP Madrassa. In view of the fact that the petitioner is not able to indicate exact date of joining, her seniority cannot be ascertained in a writ proceeding.

[17] This Court does not want to interfere with the impugned DPC proceeding and appointment of the private respondents. It is made clear that disposal of the present petition shall not bar the School Management Committee as well as the State respondent from considering the petitioner as approved Teacher, if she is otherwise eligible as per rule.

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

KH.
JOSHUA
MARING

Digitally signed
by KH. JOSHUA
MARING
Date: 2024.08.14
14:57:29 +05'30'

Kh. Joshua Maring

JUDGE