

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

MC (WP(C)) No.309 of 2024 with
MC (WP(C)) No.272 of 2024 with
WP(C) No.300 of 2024

Md.Irshad Khan

... Applicant

-Versus-

Rashid Ali & 2 Ors

... Respondents

BEFORE

HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA

21.08.2024

1. Present Mr.Julius Riamei, learned counsel for the petitioner, Mr.Sukumar, learned Government Advocate for the State and Mr.Juno Rahman, learned counsel for respondent No.3.

2. The petitioner who is a Master in Political Science approached this Court challenging the appointment of respondent No.3, who is a Master in Public Administration on the ground that Master in Public Administration is not eligible for appointment as Assistant Professor in Political Science in terms of the State Government Policy.

3. Mr.Julius, learned counsel for the petitioner draws attention of this Court to a Notification dated 13.7.2021 issued by the Director of University & Hr Edn., Government of Manipur where candidature of four candidates, appearing in Sl Nos.28, 29, 34 and 37, were rejected on the ground that they have master's degree in Public Administration and as such they are not eligible for appointment in Political Science. It is also stated that the respondent No.3 is a Master in Public Administration and he has been selected as Assistant Professor in Political Science.

4. This Court issued Notice on 3.5.2024 and passed interim order that respondent No.3 shall not discharge function of Assistant

Professor in Political Science. Respondent No.3 filed counter affidavit and application, MC (WP(C)) No.309 of 2024 for vacating the interim order.

5. Mr.Juno Rahman, learned counsel for respondent No.3 draws attention of this Court to a Public Notice dated 4.7.2018 issued by the Secretary, UGC stating that Master Degree in Political Science and Public Administration may be considered for faculty position in Political Science as well as Public Administration. Relevant portion is reproduced hereunder:

"No.F.27-9 (Orissa) 2010 (L) PS 4th July, 2018

PUBLIC NOTICE

It is hereby informed that on the issue, whether subjects of Political Science and Public Administration, can be considered inter-changeably for the purpose of appointment of Assistant Professor, it has been decided that both the subjects are inter-dependent yet discerningly distinct in nature and hence, the candidates with Master's degree/NET either in Political Science or Public Administration may be considered for faculty position in Political Science as well as Public Administration depending upon the requirement of expertise in the concerned Higher Education Institution (HEI) which may be decided by the concerned HEI.

Sd/-
(Prof.Rajnish Jainn)
Secretary."

6. Mr.Juno, learned counsel for respondent No.3 refers to the judgment and order dated 17.9.2010 passed by this Court in WP(C) No.841 of 2017 whereas relying on the decision of the Hon'ble Supreme Court, it was held that Political Science and Public Administration are interchangeable. Mr.Juno, learned counsel for respondent No.3 further submits that the petitioner who is a master in Public Administration is eligible for appointment as Assistant Professor in Political Science in view of the clarification given by the UGC as well as by the judicial precedent.

7. Mr.Julius Riamei, learned counsel for the petitioner submits that by the rejection order issued by the State respondents, the applicant

who is master degree in Public Administration cannot be considered for appointment whereas respondent No.3 has been considered and selected which is unfair to the other rejected/similarly situated candidates.

8. Mr.Sukumar, learned Government Advocate submits that other rejected candidates have not approached either to this Court or to the Administration.

9. During the course of hearing, Mr.Julius, learned counsel for the applicant submits that there are vacancy for two posts of Assistant Professors in the Political Science as two persons have already joined the DM University.

10. Considering the submissions, the writ petition is disposed of with the following directions:

1. In any vacancy for Assistant Professors in Political Science, candidates having Master's Degree in Political Science as well as Public Administration, are eligible in terms of clarification given by the UGC.
2. The petitioner as well as the rejected candidates in terms of Notification dated 13.7.20021 with Masters in Public Administration will be eligible for consideration in future vacancy of Assistant Professor in Political Science.

11. Interim order dated 3.5.2024 is vacated. Since the interim order is vacated respondent No.3 may be given notional protection of his salary and other service benefits.

With this observation and direction, the writ petition is disposed. Pending applications, if any, are closed.

JUDGE

Priyojit