

NON-REPORTABLE

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

WP(C)No.454 of 2023

Md. Zamir Khan, aged about 42 years, S/o Zeinul Khan, resident of Irong Chesaba, PO & PS Mayang Imphal, District, Thoubal, Manipur-795132.

.....Petitioner

– Versus –

1. The State of Manipur through the Commissioner/Secretary(SLEE), Government of Manipur, New Secretariat Building, PO & PS Imphal, District Imphal West, Manipur-795001.
2. The Deputy Secretary(SLEE), Govt. of Manipur, New Secretariat Building, PO & PS Imphal, District Imphal West, Manipur-795001.
3. Maisnam Chinglembi Luwang, Deputy Secretary(SLEE), Govt. of Manipur, New Secretariat Building, PO & PS Imphal, District Imphal West, Manipur-795001.
4. The Joint Director of Craftsmen Training, Govt. of Manipur, D.C Office Complex, Lamphelpat PO & PS Lamphel, Imphal West District, Manipur-795004.
5. Shri Toijam Dhanabir Singh, Instructor (Electronics) Govt. ITI, Phaknung, PO Lamlong, PS Porompat, Imphal East District, Manipur-795008.

.... Respondents

With

WP(C)No.455 of 2023

Toijam Jayanta Kumar Singh, aged about 59 years, S/o (L) T. Mangol Singh, resident of Khagempalli Huidrom Leikai, PO, Imphal PS Khagempalli, District Imphal West, Manipur-795001.

.....Petitioner

– Versus –

1. The State of Manipur through the Commissioner/Secretary(SLEE), Government of Manipur, New Secretariat Building, PO & PS Imphal, District Imphal West, Manipur-795001.
2. The Deputy Secretary(SLEE), Govt. of Manipur, New Secretariat Building, PO & PS Imphal, District Imphal West, Manipur-795001.
3. Maisnam Chinglembi Luwang, Deputy Secretary(SLEE), Govt. of Manipur, New Secretariat Building, PO & PS Imphal, District Imphal West, Manipur-795001.
4. The Joint Director of Craftsmen Training, Govt. of Manipur, D.C Office Complex, Lamphelpat PO & PS Lamphel, Imphal West District, Manipur-795004.
5. Shri Nganbam Iboyaima Meetei, Instructor(Welder), Govt. ITI, Chandel, resident of Kangla Shangomshang, PO Lamlong, PS Porompat, Imphal East District, Manipur-795008.

.... Respondents

With

WP(C)No.456 of 2023

Longjam Dineshwor Singh, aged about 52 years, S/o (L) L. Ibomcha Singh, resident of Haobam Marak Keisham Leikai, PO Imphal, PS Singjamei, District Imphal West, Manipur-795001.

.....Petitioner

– Versus –

- 1 The State of Manipur through the Commissioner/Secretary(SLEE), Government of Manipur, New Secretariat Building, PO & PS Imphal, District Imphal West, Manipur-795001.
- 2 The Deputy Secretary(SLEE), Govt. of Manipur, New Secretariat Building, PO & PS Imphal, District Imphal West, Manipur-795001.
- 3 Maisnam Chinglembi Luwang, Deputy Secretary(SLEE), Govt. of Manipur, New Secretariat Building, PO & PS Imphal, District Imphal West, Manipur-795001.
- 4 The Joint Director of Craftsmen Training, Govt. of Manipur, D.C Office Complex, Lamphelpat PO & PS Lamphel, Imphal West District, Manipur-795004.
- 5 Shri Soibam Johnson Singh, Instructor(Welder), Govt. ITI Kakching Wairi, PO, PS & District Kakching, Manipur-795103.

.... Respondents

With

WP(C)No.457 of 2023

Ngariyanbam Bankim Chandra Singh, aged about 57 years, S/o (L) Ng. Rashbihari Singh, resident of Uripok Tourangbam Leikai, PO & PS, Imphal District Imphal West, Manipur-795001.

.....Petitioner

– Versus –

- 1 The State of Manipur through the Commissioner/Secretary(SLEE), Government of Manipur, New Secretariat Building, PO & PS Imphal, District Imphal West, Manipur-795001.
- 2 The Deputy Secretary(SLEE), Govt. of Manipur, New Secretariat Building, PO & PS Imphal, District Imphal West, Manipur-795001.
- 3 Maisnam Chinglembi Luwang, Deputy Secretary(SLEE), Govt. of Manipur, New Secretariat Building, PO & PS Imphal, District Imphal West, Manipur-795001.
- 4 The Joint Director of Craftsmen Training, Govt. of Manipur, D.C Office Complex, Lamphelpat PO & PS Lamphel, Imphal West District, Manipur-795004.
- 5 Shri Takhelmayum Ronex Singh, Instructor(Welder), Govt. ITI, Senapati, PO, PS & District Kakching, Manipur-795103.

With

WP(C)No.642 of 2023

Shri Pechimayum Geetchandra Meitei, aged about 51 years, S/o P. Biramangol Singh, resident of Kongpal Khaidem Leikai, PO & PS Porompat, District Imphal East, Manipur-795005.

.....Petitioner

– Versus –

- 1 The State of Manipur through the Commissioner/Secretary(SLEE), Government of Manipur, New Secretariat Building, PO & PS Imphal, District Imphal West, Manipur-795001.
- 2 The Deputy Secretary(SLEE), Govt. of Manipur, New Secretariat Building, PO & PS Imphal, District Imphal West, Manipur-795001..
- 3 The Joint Director of Craftsmen Training, Govt. of Manipur, D.C Office Complex, Lamphelpat PO & PS Lamphel, Imphal West District, Manipur-795004.
- 4 Shri Takhelmayum Ronex Singh, Instructor(Welder), Govt. ITI, Senapati, resident of Khurai Kongpal Chingangbam Leikai, PO Lamlong, PS Porompat, Imphal East District, Manipur-795005.

.... Respondents

BEFORE

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the Petitioners	:	Mr. Kh. Tarunkumar, Sr. Adv.
For the Respondents	:	Mr. Y. Ashang,GA & Mr. Th. Jugindro, learned Adv.
Date of reserved	:	03.04.2024.
Date of order	:	05.11.2024

JUDGMENT & ORDER **(CAV)**

[1] Heard Mr. Kh. Tarunkumar, learned senior counsel appearing for the petitioners in all the writ petitions, Mr. Y. Ashang, learned GA for the State respondents and Mr. Th. Jugindro, learned counsel for the private respondents.

[2] These writ petitions have been filed by the petitioners praying for quashing the impugned order dated 08.06.2023 and to direct the official respondents to allow the petitioners to hold the post of Principal of the Govt. ITI on in charge basis, in various Districts such as Chandel, Phaknung (Imphal East), Kakching, Chandel and Senapati, Manipur.

Brief facts of WP(C)No.454 of 2023

[3] The petitioner in WP(C)No.454 of 2023, a Diploma holder in Mechanical Engineering, was initially engaged as Crafts Instructor, Motor Mechanic on contract basis in the month of February, 2009 on the recommendation of the duly constituted selection committee. Thereafter, his service was regularized to the said post on 16.12.2016.

[4] On 14.01.1983, the Deputy Secretary (DP), Govt. of Manipur issued a notification whereby the Recruitment Rules for the post of Supervisor

and Superintendent (Tech.), Govt. ITI was published. As per the said R.R., the said post is to be filled up by promotion from the Matriculate Crafts Instructor (Engineering Trade) having trained in CTI with 5 (five) years regular service in the grade. The said Training Course of CTI was later on changed as Crafts Instructor Training Scheme (CITS) and on 29.05.1997, the Under Secretary (DP), Govt. of Manipur issued a notification whereby the Recruitment Rules for the post of Crafts Instructor/Vocational Instructor (Trade Theory, Workshop Calculation and Science & Engineering Drawing) was published. As per the said Recruitment Rules, a matriculate who have passed 3 (three) years diploma in the appropriate branch of Engineering from a recognized institute who possessed the certificate under Crafts Instructor Training Scheme (1 year Course) or who have completed minimum two modules viz, Teaching Methodology Module (3 months duration) and Trades Technology Modules (6 months duration) under Craft Instructor Training Programme on modular pattern or should have passed 1 (one) year course from a Technical Teaching Institute (TTTI), under M/O HRD are eligible for appointment to the said post of Instructor.

[5] On 22.12.2006, the Under Secretary (DP), Govt. of Manipur issued an order whereby the Recruitment Rules for the post of Principal, (ITI),

Craftsmen & Training was notified. The said post is to be filled by promotion, failing which by direct recruitment. As per the said R.R., the said post is to be filled up by promotion from the Supdt. (Tech.) Supervisor (Tech.) possessing Degree in Electrical/Mechanical Electronics Civil Computer Automobile Engg. from a recognized University/Institute with 5 years regular service in the grade and in the case of Diploma Engg. holder 8 years regular service in the grade FAILING WHICH Crafts Instructor Vocational Instructor (Engg.) possessing Degree in Electrical Mechanical Electronic Civil Computer Automobile Engg. from a recognized University/Instructor with 10 (ten) years regular service in the grade and in case of Diploma Engineering holder with 12 (twelve) years regular service. On 03.10.2020, the Special (DP), Govt. of Manipur issued an Office Memorandum regarding the conditions for making in-charge appointments. As per the said office memorandum, the following conditions are clearly laid down:-

- (i) Appointment on in charge basis shall be made against a post only when there is no official eligible as per RR to fill up the said post, either by direct recruitment or by promotion through duly constituted DPC.

- (ii) In the absence of any official eligible as per RR to fill up a particular post, the senior most person amongst cadre/official belonging to the feeder post of the said particular post shall be appointed to hold the said post on in-charge basis, at no extra remuneration and in addition to the substantial post held by the appointee in the lower post. Needless to say, the appointee shall draw pay against the lower post substantiality held by him.
- (iii) Where no arrangement can be made as in para (ii) above, an in-charge appointment shall be made to a vacant post from a person holding a similar post (at some rank and/or designation), at no extra remuneration.
- (iv) An official appointed on in-charge basis against any post shall have the same financial power as per appointed on substantial basis against the said post would enjoy.

[6] Thereafter, on 09.03.2021, the Special Secretary (DP), Govt. of Manipur issued another office memorandum whereby another instruction regarding the in-charge appointment in addition to the aforesaid Office Memorandum dated. 03.10.2020 was added. As per the said Office Memorandum, the following instruction has been added as instruction No. v:-

“Integrity certificate based on Vigilance clearance, non-pendency of Departmental Enquiry, non-pendency of FIR cases which has been taken cognizance by Magistrate etc. is mandatory for in-charge appointments, especially the Head of Departments.” On 15.12.2021, the Joint Director of Craftsmen Training, Govt. of Manipur issued a memorandum whereby the final seniority list of the Craft Instructors (Engineering & Non-Engineering) of the Directorate of Craftsmen Training (ITI), Manipur was published. In the said final seniority list, the name of the petitioner appeared at Sl. No. 52 and the name of the private respondent appeared at Sl. No. 30 and thereafter, on 07.01.2022, the petitioner was appointed on promotion to the post of Superintendent (Tech.) on regular basis. This post of Superintendent (Tech.) is a higher post to the post of Crafts Instructor. The said DPC for promotion to the post of Superintendent (Tech.) was held in association with MPSC. The respondent No. 5/private respondent was not considered by the said DPC meeting as he does not possess the qualification of CITS Course/Training.

[7] On 10.02.2023, the Joint Director of Craftsmen Training, Govt. of Manipur wrote a letter to the Joint Secretary (SLEE), Govt. of Manipur wherein a proposal was made to transfer the petitioner as Principal of Govt. ITI, Phaknung (IE) on in-charge basis in addition to his normal duty without

any additional or extra remuneration etc. In the said letter, it was clearly mentioned that the post of Superintendent (Tech.) which is holding by the petitioner is equivalent to the post of Vice-Principal and he also possessed CITS (Crafts Instructor Training Scheme) qualification and became a feeder post holder of Principal. However, disregarding the recommendation, the Deputy Secretary (SLEE), Government of Manipur issued impugned order dated 08.06.2023 issued transfer and posting order thereby making one regular and four in charge Principals of Govt. it is at Takyel, Senapati, Phaknung, Chandel and Kakching. The petitioner, herein Md. Zamir Khan who has been promoted to Superintendent (Tech.) on 07.01.2022 challenges the posting of respondent No.5- Toijam Dhanabir who is only a Craft Instructor as in charge Principal, Govt. ITI, Phaknung amongst on the grounds- (i) the petitioner is holding a higher post of Superintendent (Tech), Class-II Gaz. at Level-8; (ii) respondent No.5 is holding post of Craft Instructor, Class-III Non-Gaz. at Level 7; (iii) In the RR for Principal, ITI, Superintendent and Supervisor (Tech.) are preferred in the feeder post and Craft Instructor comes in the failing clause; (iv) respondent No.5 cannot be considered as senior to the petitioner on the basis of the seniority list of Craft Instructor issued on 15.12.2021, as the petitioner has been promoted to the post of Superintendent (Tech) on

07.01.2022 on regular basis. It is submitted that the impugned order is in violation of the Office Memorandum dated 03.10.2020 issued by the State Government for making in charge appointment to the seniormost in the feeder cadre, when none is eligible for appointment on regular basis and subsequent OM.

[8] In the counter affidavit of the State respondents, it is stated that the in charge arrangement is as per the OM. It is pointed out that the respondent No.5 is at serial number 30 while the petitioner is at 52 in the Seniority List of the Craft Instructor dated 15.12.2021. It is further stated that Craft Instructor is also a feeder post for appointment as Principal, Govt. ITI. It is also highlighted that the petitioner is in probation in the post of Superintendent and as such the seniority position of the Craft Instructors will have a bearing in making in charge arrangement. Respondent No.5 has also taken the stand that he is senior to the petitioner in the cadre of Craft Instructor and he is also eligible for appointment as Principal, Govt. ITI.

[9] In the rejoinder affidavit, the petitioner clarifies that the probationary period in the higher cadre of Superintendent will not take away his higher position that the post of Craft Instructor. It is pointed out that Craft Instructor comes in the feeder cadre for promotion to Principal under the

default clause thereby meaning that the Superintendent and Supervisors are to be given preference.

Brief facts of WP(C)No.455 of 2023

[10] The petitioner in WP(C)No.455 of 2023, a BSc degree holder and PGDCA (Post Graduate Diploma in Computer Application), was initially engaged as Crafts Instructor, COPA on contract basis on 21.05.2003 at the Govt. ITI, Chandel on the recommendation of the duly constituted selection committee and his service was regularized to the said post on 16.12.2016.

[11] On 29.05.1997, the Under Secretary (DP), Govt. of Manipur issued a notification whereby the Recruitment Rules for the post of Crafts Instructor/Vocational Instructor (Trade Theory, Workshop Calculation and Science & Engineering Drawing) was published. As per the said Recruitment Rules, a matriculate who have passed 3 (three) years diploma in the appropriate branch of Engineering from a recognized institute who possessed the certificate under Crafts Instructor Training Scheme (1 Year Course) or who have completed minimum two modules viz, Teaching methodology module (3 months duration) and Trades Technology modules (6 months duration) under Craft Instructor Training Programme on modular pattern or should have

passed 1 (one) year course from a Technical Teaching Institute (TTTI), under M/O HRD are eligible for appointment to the said post of Instructor.

[12] The petitioners have successfully completed/passed the National Craft Instructor certificate course conducted by the Directorate General of Training, Ministry of Skill Development and Entrepreneurship, Govt. of India on 03.04.2020. In this regard, a certificate was issued in favour of the petitioner by the Govt. of India.

[13] On 15.12.2021, the Joint Director of Craftsmen Training, Govt. of Manipur issued a memorandum whereby the final seniority list of the Craft Instructors (Engineering & Non-Engineering) of the Directorate of Craftsmen Training (ITI), Manipur was published. In the said final seniority list, the name of the petitioner appeared at Sl. No. 10 in respect of the Crafts Instructor, COPA (Non-Engineering) and the name of the private respondent appeared at Sl. No. 25 in respect of the Crafts Instructor (Engineering).

[14] The Deputy Secretary (SLEE), Govt. of Manipur issued an order on 08.06.2023 whereby the private respondent/respondent No.5 was transferred and posted as in-charge Principal, Govt. ITI, Chandel, Manipur. It is stated that the respondent No.5 is not eligible for appointment as Principal, since he does not possess certificate under Crafts Instructor Training Scheme

as per the RR of Crafts Instructor, 1977. It is further pointed out that the petitioner was holding in charge Principal, when the regular Principal was on leave and one in charge appointment cannot be replaced by another in charge.

[15] In the counter affidavit of the State respondents, it is pointed out that the petitioner belongs to the Craft Instructor of Non-Engineering trade and as per RR for appointment of the Principal of ITI, the feeder cadre should belong to the Engineering trade. The petitioner is at number 10 of the Crafts Instructor (Non-Engineering) while the respondent No.5 is at serial number 25 of the Crafts Instructor (Engineering). An eligible person cannot be appointed on the basis of seniority position. Respondent No.5 has also reiterated that petitioner is not eligible as he belongs to non-Engineering trade and his appointment as in charge Principal of Govt. ITI is strictly in terms of the OM dated 03.10.2020.

Brief facts of WP(C)No.456 of 2023

[16] The petitioner in WP(C)No.456 of 2023, a B. Tech. Mechanical Engineering, was initially engaged as Crafts Instructor, Diesel Mechanic on contract basis on 22.06.2004 on the recommendation of the duly constituted

selection committee. Thereafter, his service was regularized to the said post on 16.12.2016.

[17] On 15.12.2021, the Joint Director of Craftsmen Training, Govt. of Manipur issued a memorandum whereby the final seniority list of the Craft Instructors (Engineering & Non-Engineering) of the Directorate of Craftsmen Training (ITI), Manipur was published. In the said final seniority list, the name of the petitioner appeared at Sl. No. 38 and the name of the private respondent appeared at Sl. No. 24.

[18] On 05.12.2022, the Joint Director of Craftsmen Training, Govt. of Manipur wrote a letter to the Joint Secretary (SLEE), Govt. of Manipur wherein a proposal was made to transfer the petitioner as Principal of Govt. ITI, Kakching Wairi on in-charge basis in addition to his normal duty without any additional or extra remuneration etc. In the said letter, it was clearly mentioned that the petitioner is eligible for the post of Principal as he possessed the CITS qualification (Crafts Instructor Training Scheme). In the said letter, his name appeared at Sl. No. 1. However, by impugned order dated 08.06.2023, the respondent No.5 has been appointed as in charge Principal, Govt. ITI, Kakching in violation of the OMs. It is stated that the respondent

No.5 is not eligible as per RR due to non-possession of certificate under Crafts Instructor Training Scheme as required by RR of Crafts Instructors. It is urged that as there was no proper test at the time of regularization, the petitioner should be treated as senior on the basis of date of birth.

[19] In the counter affidavit of the State respondents, it is stated the petitioner who is at 38 is much junior to the respondent No.5 who is at 24 in the Seniority List of Crafts Instructors. It is clarified that posing certificate under CITS is not mandatory in the RR of Principal. It is pointed out that a senior officer from the feeder cadre has been appointed as in charge Principal strictly in terms of relevant OMs. In his counter affidavit, the respondent No.5 stated that he is senior to the petitioner and belongs to the feeder cadre for appointment as Principal.

Brief Facts of WP(C)No.457 of 2023

[20] The petitioner in WP(C)No.457 of 2023, a B.E. Electrical Engineering, was initially engaged as Crafts Instructor, Electrician on contract basis on 22.06.2004 on the recommendation of the duly constituted selection committee. Thereafter, his service was regularized to the said post on 16.12.2016.

[21] On 15.12.2021, the Joint Director of Craftsmen Training, Govt. of Manipur issued a memorandum whereby the final seniority list of the Craft Instructors (Engineering & Non-Engineering) of the Directorate of Craftsmen Training (ITI), Manipur was published. In the said final seniority list, the name of the petitioner appeared at Sl. No. 35 and the name of the private respondent appeared at Sl. No. 10.

[22] On 05.12.2022, the Joint Director of Craftsmen Training, Govt. of Manipur wrote a letter to the Joint Secretary (SLEE), Govt. of Manipur wherein a proposal was made to transfer the petitioner as Principal of Govt. ITI, Senapati on in-charge basis in addition to his normal duty without any additional or extra remuneration etc. In the said letter, it was clearly mentioned that the petitioner is eligible for the post of Principal as he possessed the CITS qualification (Crafts Instructor Training Scheme). In the said letter, his name appeared at Sl. No. 2. However, by impugned order dated 08.06.2023, respondent No.5 has been appointed as in charge Principal, Govt. ITI, Senapati. It is stated that the respondent No.5 is not eligible in terms of RR for Principal as he does not possess certificate under Crafts Instructor Training Scheme. It is further urged that petitioner has to be considered as senior to

respondent No.5 on the basis of date of birth, as no test was conducted by DPC at the time of regularization.

[23] In their counter affidavit, the State respondents state that the petitioner at Sl. No. 35 is much junior to the respondent No.5 who is at Sl. No. 10 in the Seniority List of Crafts Instructors. It is also clarified that possessing certificate under CITS is not required for promotion to Principal in the RR. Respondent No.5 has also filed counter affidavit taking similar pleas.

Brief Facts of WP(C)No.642 of 2023

[24] The petitioner in WP(C)No.642 of 2023, a Diploma holder in Civil Engineering, was initially engaged as Crafts Instructor on contract basis on 21.05.2003 on the recommendation of a duly constituted selection committee. Therefore, his service was regularized to the said post on 16.12.2016.

[25] On 14.01.1983 the Deputy Secretary (DP), Govt. of Manipur issued a notification whereby the Recruitment Rules for the post of Supervisor and Superintendent (Tech.), Govt. ITI was published. As per the said R.R., the said post is to be filled up by promotion from the Matriculate Crafts Instructor (Engineering Trade) having trained in CTI with 5 (five) years regular service in the grade. The said Training Course of CTI was later on changed as Crafts Instructor Training Scheme (CITS).

[26] On 15.12.2021, the Joint Director of Craftsmen Training, Govt. of Manipur issued a memorandum whereby the final seniority list of the Craft Instructors (Engineering & Non-Engineering) of the Directorate of Craftsmen Training, (ITI), Manipur was published. In the said final seniority list, the name of the petitioner appeared at Sl. No. 5 and the name of the private respondent appeared at Sl. No. 10 and the petitioner was appointed on promotion to the post of Superintendent (Tech.) on regular basis on 07.01.2022 and presently posted at the Government ITI, Tamenglong.

[27] By the impugned order dated 08.06.2023, the respondent No.4 has been appointed as in charge Principal, Govt, ITI, Senapati. It is stated that the petitioner who is holding higher post of Superintendent (Tech.) has been overlooked in violation of the OM dated 03.10.2020 whereas the respondent No.4 is only a Crafts Instructor. It is pointed out that Crafts Instructor will be considered under the failing clause when Superintendent and Supervisor (Tech.) are not available. Moreover, the petitioner at Sl. No. 5 is senior to the respondent No.4 who is at Sl. No. 10 in the Seniority List of Crafts Instructors.

[28] In the counter affidavit, the State respondents state that the petitioner was recently promoted to the higher post of Superintendent and he

is still under probation. He is also holding additional charge of Assistant Director (App) and with in charge Principal, he will be holding three posts simultaneously. It is also pointed out that respondent No.4 is also one of the senior most officers in the feeder cadre. Respondent No.4 also takes similar pleas in his counter affidavit. In the rejoinder affidavit, the petitioner reiterates that he is senior to the respondent No.4 and is also holding higher post in the feeder cadre. It is clarified that probation does not take away the benefit attached to higher post.

[29] Mr. Kh. Tarunkumar, learned senior counsel for the petitioners submits that the petitioner in WP(C) No. 454 of 2023, Md. Zamir Khan is holding higher post of Superintendent (Tech.) while the respondent No. 5, Shri Toijam Dhanabir Singh is only Crafts Instructor. As per RR for Principal, Superintendent and Supervisor (Tech.) have first right promotion and in case of non-availability of such higher post, the Crafts Instructors can be considered for appointment as Principal under the failing clause. It is vehemently urged that seniority position in lower cadre will not have a bearing after the petitioner's promotion to higher post. It is submitted that posting of the respondent No.5 as in charge Principal, Govt., ITI Phaknung is in violation of

OM dated 03.10.2020 and the same deserves to be set aside and appoint him.

[30] In case of petitioner in WP(C) No. 455 of 2023, Mr. Kh. Tarunkumar, learned senior counsel submits that the petitioner was holding the post of Principal, Govt. ITI, Chandel on in charge basis and he has been replaced by the respondent No.5 by the impugned order dated 08.06.2023 as in charge. It is pointed out that one in charge appointment cannot be replaced by another in charge as held in the case of **State of Haryana v. Piara Singh: (1992) 4 SCC 118**. Moreover, it is submitted that the respondent No.5 is not eligible as he does not have certificate under CITS.

[31] In case of petitioner in WP(C) No. 456 of 2023, Mr. Kh. Tarunkumar, learned senior counsel submits that the respondent No.5 is not eligible as he does not possess certificate under CITS. It is also averred that the respondent No.5 cannot be considered as senior as there was no test at the time of regularization and petitioner ought to be treated as senior on the basis of the date birth.

[32] Similar pleas of ineligibility of the respondent No.5 due to non-possession of certificate under CITS and seniority on the basis of date of birth

are also taken by Mr. Kh. Tarunkumar, learned senior counsel in WP(C) No. 454 of 2023.

[33] In WP(C) No. 642 of 2023, Mr. Kh. Tarunkumar, learned senior counsel for the petitioner adopts his submission in WP(C) No. 454 of 2023, as the petitioner herein is also in the higher post of Superintendent (Tech.) and he is senior to the respondent No.4 even in the cadre of Crafts Instructors. It is submitted that giving in charge Principal, Govt. ITI, Senapati to the respondent No.4 is in violation of the principles laid down in OM dated 03.10.2020.

[34] Mr. Y. Ashang, learned GA submits that in WP(C) Nos. 454 of 2023 and 642 of 2023, the petitioners are still in probation in the higher post of Superintendent and they cannot claim benefit for such post. Moreover, the petitioner in WP(C) No. 454 of 2023 is junior to the respondent No.5 in the cadre of Crafts Instructors. The petitioner in WP(C) No. 642 of 2023 is holding two more higher posts and as such the respondent No.5 has been conferred the in charge of Principal of Govt. ITI, Senapati. There is no illegality in such arrangement. In WP(C) No. 455 of 2023, learned GA has pointed out that petitioner is not eligible for appointment as Principal as he belongs to non-Engineering cadre and RR requires appointment from the Engineering cadre.

In WP(C) Nos. 456 of 2023 and 457 of 2023, it is submitted that the petitioners are juniors to the respondent Nos.5 in the feeder cadre of Crafts Instructors and their appointments as in charge Principals are in strict compliance of the OMs.

[35] Mr. Th. Jugindro, learned counsel for the private respondents adopts the submission of learned GA and reiterates that the appointments do not violate the OMs and as per RR.

[36] This Court considers the materials on record including the RR and relevant OMs and the submissions at bar. According to the Recruitment Rules for the appointment of Principal, Govt. it is, the method of recruitment is by promotion, failing which by direct recruitment. In case of appointment by promotion, the feeder cadres are Superintendent (Tech) and Supervisor (Tech) possessing Degree in Electrical Mechanical Electronics Civil Computer Automobile Engineer from a recognized University/Institute with 5 years regular service and in case of Diploma holder 8 years of regular service, failing which Crafts Instructors Vocational Instructor (Engg) possessing Degree in Electrical Mechanical Electronics Civil Computer Automobile Engineer from a recognized University/Institute with 10 years regular service and in case of Diploma holder 12 years of regular service. This indicates that the

Superintendent and Supervisor will be first choice for appointment as Principal and in case of non-availability of them, the Crafts Instructor (Engg) will be consider under the 'failing clause'. The Office Memorandum dated 03.10.2020 postulates that when eligible candidates are available in the feeder cadre for appointment on regular basis, the seniormost in the feeder cadre can be appointed on in charge basis. OM dated 09.03.2021 further adds that in case of appointment of HoD, vigilance clearance is mandatory. Within this prism, the in charge appointment has to be made when eligible persons are not available in the feeder cadre for regular appointment.

[37] In the judgment dated 15.12.2023 passed by this Court in the case of **Phurailatpam Vivekananda Sharma v. State of Manipur & Ors. reported as MANU/MN/0227/2023**, it has been held that in case of in charge appointment, the seniormost in the feeder cadre has to be considered as provided in the Office Memorandum dated 03.10.2020.

[38] In WP(C) Nos. 454 of 2023 and 642 of 2023, the petitioners are holding the higher feeder post of Superintendent (Tech) for appointment as Principal while respondent Nos.5 are holding lower cadre of Crafts Instructors. This Court has no hesitation in holding that the impugned order dated 08.06.2023 appointing respondent Nos.5, Toijam Dhanabir Singh and

Takhelmayum Ronex as in charge Principals, Govt, ITIs at Phaknung and Senapati are in violation of RR and OMs dated 03.10.2020 and 09.03.2021 and their appointments are set aside with a direction to make appointment in terms of OMs and RR.

[39] In WP(C) No. 455 of 2023, the petitioner belongs to non-Engineering cadre and he is not eligible for appointment as Principal as per RR and the writ petition is dismissed being devoid of any merit. The plea of replacing one in charge appointment by another in charge is not applicable when the petitioner himself is not eligible in terms of RR.

[40] WP(C) Nos. 456 of 2023 and 457 of 2023, the petitioners are junior to the respondents No.5 in the cadre of Crafts Instructors. Their claim of seniority over the private respondents has no substance, as the seniority list dated 15.12.2021 is not challenged. On plain reading of RR for Principal, it is clear that the certificate under CITS has not been mentioned and cannot be read as a mandatory requirement. Writ petitions are dismissed.

[41] The writ petitions are disposed of in terms of the above. From perusal of the seniority list of the Crafts Instructors (Engineering), it seems that the in charge appointment of Principals are not done strictly as per

seniority list. In making future appointments on in charge basis, the same should be done strictly in terms of the RR and OMs. No cost.

JUDGE

FR/NFR

John Kom