

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

**MC(WP(C) No. 174 of 2023 with
MC(WP(C) No. 196 of 2023 with
WP(C) No. 448 of 2023**

Smt. M. Kheroda Devi

.....Petitioner/s

- Versus -

Naorem Prempyari Devi & 2 Ors.

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

13.03.2024

[1] Heard Mr. BP. Sahu, learned senior counsel assisted by Ms. Tanya, learned counsel for the petitioner, Mrs. Ch. Sundari, learned G.A. for the State respondent Nos. 1 & 2 and Mr. Sh. Athoi, learned counsel along with Mr. Kh. Tomba, learned counsel for private respondent No. 3.

[2] The service of the petitioner as Principal of Ibotonsana Girls' Higher Secondary School was extended vide order dated 06.10.2022 for another period of one year as State Awardee from the original date of retirement, i.e. 31.03.2023 to 31.03.2024 and the petitioner is retiring on 31.03.2024 on expiry of the extended period of one year in terms of the O.M. dated 27.03.2015 issued by the

Department of Personnel and Administrative Reforms (Personnel Division), Government of Manipur.

[4] Vide order dated 19.05.2023 issued by the Commissioner (Education/S), Government of Manipur, the private respondent No. 3 was posted as Principal of Ibotonsana Girls' Higher Secondary School in place of the petitioner without transferring the petitioner to any other place. Vide order dated 06.06.2023 issued by the Commissioner (Education/S), Government of Manipur, the petitioner was ordered to be posted as Principal, Praja Hr. Sec. School.

[5] Vide order dated 09.06.2023, this Court stayed the two impugned orders of transfer dated 19.05.2023 and 06.06.2023 and the interim order has been extended from time to time. It has been prayed that the impugned orders be set aside with respect to the petitioner.

[6] Both the State respondent as well as private respondent have already filed counter affidavit.

[7] Today, when the matter is taken up, Mr. BP. Sahu, learned senior counsel for the petitioner, submits that he is not pressing for the main relief as the petitioner is going to be retired on 31.03.2024. In alternative, it is submitted that she may be allowed to continue as Principal, Ibotonsana Girls' Hr. Sec. School till her retirement and that too, without expression any opinion on the merit of the case. Learned senior counsel further submits that in order to avoid all difficulties, the petitioner be treated as retired Principal, Ibotonsana Girls' Hr. Sec. School for the purpose of retirement benefits.

[8] Mrs. Ch. Sundari, learned G.A. for the State respondent, has pointed out to the counter affidavit referring to O.M. dated 27.03.2015 issued by the Department of Personnel and Administrative Reforms (Personnel Division), Government of Manipur especially para 4 which stipulates that the State and National Awardees will retire on the expiry of the extended period of one and two years as applicable. Accordingly, writ petition may be disposed of as prayed for by the learned senior counsel for the petitioner.

[9] Mr. Sh. Athoi, learned counsel for the private respondent, submits that since this Court is not going to decide on merit the two impugned orders dated 19.05.2023 and 06.06.2023, private respondent No. 3 may be permitted to join as Principal, Ibotonsana Girls' Hr. Sec. School in terms of the impugned orders challenged herein, after retirement of the petitioner on 31.03.2024.

[10] This Court has considered the materials on record and submissions made at the bar.

[11] In the peculiar facts and circumstances of the case and as the petitioner is going to retire on 31.03.2024 on expiry of the extended period of service, she is permitted to continue as Principal, Ibotonsana Girls' Hr. Sec. School till 31.03.2024 with admissible retiral benefits.

[12] The respondent No. 3 is at liberty to submit a representation to the State authority. With respect to respondent No. 3,

the State respondent may pass appropriate order on expiry of the extended period of the petitioner.

[13] With this observation and direction, writ petition is disposed of.

[14] Accordingly, misc. applications are also disposed of.

JUDGE

Kh. Joshua Maring

**KH. JOSHUA
MARING**

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KH. JOSHUA
MARING
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