

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

WP(C) No. 557 of 2022

Majabung Gangmei

.....*Petitioner/s*

- Versus -

Jawaharlal Nehru Manipur Dance
Academy & 2 Ors.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

02.05.2024

[1] Heard Mr. Th. Henba, learned counsel for the petitioner, Mr. Sarvan Kumar, learned counsel for respondent Nos. 1 & 3 and Mr. HS. Paonam, learned senior counsel assisted by Ms. Malemleima, learned counsel for respondent No. 2.

[2] By the present petition, the petitioner approached this Court by a writ in the nature of Quo-Warranto for setting aside the appointment order dated 12.05.2020 issued by respondent No. 3 appointing respondent No. 2 as Head of the Production Unit, JNMDA.

[3] The main ground for challenge as per the Recruitment Rules for Production Unit In-charge in JNMDA, Imphal is that the Production Unit In-charge is a selection post by promotion failing which by direct recruitment for promotion, it is from the cadre post of Senior Production Assistant for 5 years regular service and for direct

recruitment, the candidate should be (i) a graduate from a recognized University, (ii) having 10 years experience in stage production & (iii) passed diploma course of the JNMDA or having equivalent standards and desirable qualification of having the knowledge of state craft, scenic cession, lighting, organization and choreography. For Direct recruits, it is stated that the age of the appointee is 40 years or below but relaxable for 5 years in case of SC/ST candidate and a person of exceptional merit.

[4] It is the case of the petitioner that the petitioner was above 40 years of age on the date of appointment and as such, he is not eligible for appointment to the post of Production Unit In-Charge and also there was no advertisement for direct recruitment for the said post.

[5] Mr. Sarvan Kumar, learned counsel for the official respondent, submits that respondent No. 2 was appointed as he has the requisite qualification and on the date of appointment, he was below 40 years of age.

[6] Mr. HS. Paonam, learned senior counsel for respondent No. 2, draws the attention of this Court to Annexure – P/3 of the counter affidavit filed by respondent No. 2 wherein the date of birth of respondent No. 2 as per the Matriculation Certificate is 01.03.1982 and the date of appointment i.e. 12.05.2020, the age of respondent No. 2 was 38 years 2 months and 11 days. As such, he is within the prescribed stipulated age of 40 years as mention in the RR. Learned senior counsel has pointed out that in the Quo-Warranto, the petitioner

has to show that the private respondent has been appointed without any requisite qualification as prescribed in the RR and in the present case, the petitioner has failed to discharge his obligation. It is prayed that writ petition may be dismissed at this stage.

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

[8] From the Matriculation Examination Certificate, it is seen that the respondent No. 2 was 38 years at the time of appointment and as such, he was below 40 years as stipulated in column 6 of the RR and he has all the requisite qualification as prescribed for direct recruitment under column 7 of the RR.

[9] This Court is of the opinion that the mandatory requirements for maintaining a writ of Quo-Warranto are lacking in the present case as the petitioner has failed to show that the respondent No. 2 has no requisite qualification. The other allegation of not publishing any advertisement for the recruitment cannot be considered in the writ of Quo-Warranto. Accordingly, the writ petition seeking a direction in the nature of Quo-Warranto for setting aside of appointment order dated 12.05.2020 is dismissed.

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

JUDGE

KH.
JOSHUA
MARING

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Kh. Joshua Maring