

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

WP(C)No.630 of 2023

Smt. Moirangthem Nandini Devi, aged about 42 years, W/o, Thoudam Debadutta Singh, a resident of Kongba Kshetri Leikai, Uchekon, Singjamei, Imphal East District, Manipur, PIN-795008.

...Petitioner

- Versus -

The State of Manipur, represented by the Chief Secretary(Finance), Government of Manipur, Secretariat Building, Babupara, PO & PS Imphal, Imphal West District, Manipur-795001 & **ors.**

...Respondents

BEFORE
HON'BLE JUSTICE MR. JUSTICE A. GUNESHWAR SHARMA
ORDER
(Oral)

31.01.2024.

[1] Heard Mr. Y. Nirmolchand, learned senior counsel assisted by Mr. L. Raju, learned counsel appearing for the petitioner and Mr. Phungyo Zingkhei, learned Deputy GA for the State respondents.

[2] It is the case of the petitioner that she was working as Field Worker in the Directorate of Health Services, Manipur and vide order dated 27.12.2022, the petitioner and 43(forty three) persons were promoted to the post of Male Health Workers and vide order dated 27.03.2023, the petitioner was posted as Male Health Worker at PHSC Nambol and she joined to the new place of posting on 27.03.2023 itself.

[3] It is the case of the petitioner that her EIN/MGEL number was not updated in the system by the Finance Department and as such, she is not getting any salary since April, 2023. It is also pointed out that the MGEL/EIN number for one Smt. Lydia Hraziine, who was also promoted along with the petitioner, has been completed and the reason for non-updation of MGEL/EIN number of the petitioner is that she is female candidate promoted to the post of Male Health Worker.

[4] Mr. Y. Nirmolchand, learned senior counsel appearing for the petitioner submits that for one Female employee, the updation of MGEL/EIN number is completed and the case of the petitioner is discriminated. He further pointed out that as per the Recruitment Rules, i.e. Department of Health, Manipur(Male Health Worker) Recruitment Rules, 2014, the post of Field Workers are the feeder posts for promotion to the post of Male Health Worker and the petitioner who is working as Field Worker is eligible and was rightly promoted to the post of Male Health Worker. It is further stated that the Rules do not provide that only male employee has to be promoted to the post of Male Worker as it is just a nomenclature of the post.

[5] The learned senior counsel appearing for the petitioner has further pointed out that in the year 2015 vide order dated 24.08.2015, 3(three) Female Field Workers were also promoted to the post of Male Health Worker and therefore, both male and female employees can be promoted to the post of Male Health Worker.

[6] Respondent Nos. 2 & 3 have filed counter affidavit stating

that as per the Rules 4(a)& (b) of the RR of 2014, both male and female are eligible for appointment as Male Health Worker. But, it is the opinion of the Department of Personnel, Government of Manipur to the effect that appointment of Female Worker employee as Male Health Worker makes little sense. The Administrative Department has submitted a proposal for re-designation of the post of Male Health Worker as “Health Worker” so that the issue of upgrading MGEL/EIN of female promotees can be addressed effectively. It is also stated in the counter affidavit of Administrative Department that the re-designation of the post of “Male Health Worker” as “Health Worker” is for facilitating appointment of male, female and the third gender to the post and the re-designation is under active process.

[7] In the counter affidavit of the respondent No.1, (the Finance Department, Government of Manipur), it is stated that the view of the DP, Manipur is that *“Appointing Female Official to the post of Male Health Worker makes little sense. The designation of the post makes it clear that it is a post to be filled up from amongst male candidates”* and accordingly updation of those females who are promoted to the post of Male Health Worker could not be completed. It is also stated that the previous updation of the EIN/MGEL of the Female employees appointed as Male Health Workers have been kept on hold awaiting the re-designation.

[8] Mr. Phungyo Zingkhei, learned Deputy GA submits that in view of the views of the Administrative Department as well as the Finance Department, this Court may pass appropriate orders.

[9] This Court has considered the materials on record and the submissions made by the learned counsel appearing parties. On perusal of Rules 4 of the RR, 2014, it is clear that both male and female can be appointed to the post of Male Health Worker. Rule 4(b) specifically stipulates about appointment of female. For reference, Rules 4 is reproduced as:

(a) No person, who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the aforesaid post, and

(b) No woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to the said post.

[10] In the Form 8, column 1 appended to the Rules, the designation used is Male Worker and column 11 provides for appointment by promotion from the cadre of Field Worker and nothing is provided that only males have to be considered. It is mentioned that Field Workers with Matriculate passed and who have rendered 5(five) years regular service are eligible and the Rules do not specify that only male can be appointed to the post of Male Health Worker. The view of the Administrative Department seems to be in consonance with the Rules. The view of the DP, Government of Manipur is hyper technical and in disregard of Rule 4. The Administrative Department has initiated steps for re-designation of

the “Male Health Worker” to “Health Worker” as neutral term to include all the categories of employee. Accordingly, it is clarified that till the re-designation of post of “Male Health Worker” as “Health Worker” is complete, the appointment by direct recruitment or promotion to the post of “Male Health Worker” can be done from the male, female and third gender as proposed by the Administrative Department. The same is in consonance with Rule 4 of RR of 2014.

[11] Accordingly, this writ petition is allowed and disposed of in term of the above observation.

[12] No cost.

[13] The respondents are directed to complete the updation of MGEL/EIN of the petitioner within a period of 1(one) month from the date of receipt of a copy of this order and after the completion of the updation, the respondents are further directed to release the pending salary of the petitioner within 2(two) months.

[14] Since MGEL/EIN updation of other female employees to the post of Male Health Workers has been kept hold as ‘Not working’ as per DP’s view, it is directed that the withholding of updation of such female “Male Health Workers” be recalled and be restored to their earlier status of ‘working’.

[15] Send a copy of the order to the respondents for information and necessary compliance.

JUDGE

John Kom