

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

WP(C) No.632 of 2024 with
MC (WP(C)) No.529 of 2024

Athokpam Herojit Singh

... Petitioner

-Versus-

Union of India & 3 Ors

... Respondents

**BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**
5.9.2024

Heard Mr.S.Biswajit, learned senior counsel assisted by Ms.Prista, learned counsel for the petitioner.

By the present petition, the petitioner, who is a Professor in (Soil and Water Management), Department of Agriculture, Central Agricultural University, Imphal, presently posted in Arunachal Pradesh Campus challenged the appointment of private respondent No.4, Dr.Smt Indira Sarangthem as Professor in the Central Agricultural University Imphal, even after superannuation on attaining 65 years of age on the ground that the re-employment is against the Guideline for re-employment of superannuated Teacher framed by the University Grants Commission. It is also pointed out that respondent No.4 is a Professor and she has been conferred charge of Dean of Faculty of Agriculture as well as Director of Institute.

Mr.Biswajit, learned senior counsel draws attention of this Court to Section 4(1) of the Central Agricultural University Act, 1992, which, it has specifically barred that no person can hold the post of Dean after attaining age of 65 years and admittedly, the respondent No.4 retired on attaining the age of 65 years and hence, holding in-charge of Dean is barred by Section (4) of the CAU Act.

At this stage, Mr.B.P.Sahu, learned senior counsel assisted by Ms.Loha, for the CAU, Imphal points out that by the Notifications, i.e., the Central Administrative Tribunal (CAT), Rule 1993 where at Sl.No.93, the dispute regarding service matter of Central Agricultural University, Imphal will lie before the CAT of the concerned jurisdiction and hence, present case is to be filed before the CAT, Guwahati.

Mr.S.Biswajit, learned senior counsel for the petitioner has clarified that he is aware of the Notifications, but however, petitioner is constrained to approach this Court in terms of the Ordinance No.1 of 2023 dated 18.10.2013 wherein in Rule 26, it is provided that any dispute with respect to University shall lie within the jurisdiction of the concerned High Court. Rule 26 of Ordinance dated 18.10.2023 is reproduced hereunder:

"26. Territorial Jurisdiction

In case of any disputes, any suits or legal proceedings against the University, the territorial jurisdiction shall be restricted to the High Courts of concerned states where the cause of action has arisen."

And in the circumstance, petitioner is constrained to approach this Court.

Mr.Boboy Potsangbam, learned CGC for the Central Government adopts the submission of Mr.B.P.Sahu, learned senior counsel for the CAU.

This Court has considered the preliminary objection on jurisdiction/maintainability raised by the learned senior counsel for the respondent/CAU. On perusal of the Rule 26 of the Ordinance, it is stated that any disputes, any suits or legal proceedings against the University, the territorial jurisdiction shall be restricted to the High Courts of concerned states. Admittedly, High Court of Manipur is the concerned High Court for Central Agricultural University, Imphal. However, the dispute raised in the present writ petition is with regard to service condition of respondent No.4. As such,

Ordinance No.1 of 2023 issued by the Central Agricultural University, Imphal and Notification issued by the CAT, allocating jurisdiction with respect to service condition of the Central Government as well as Central Institutes, have to be read together.

In view of the dispute raised in the present writ petition is substantially of the service matter, this Court is of the considered opinion that CAT, Guwahati will be the appropriate forum for entertaining the dispute.

Mr.Biswajit, learned senior counsel for the petitioner submits that he may be permitted to withdraw this application with liberty to approach the CAT, Guwahati or any other appropriate forum.

Recording the submissions made at the Bar, the writ petition is dismissed with the aforesaid liberty. MC (WP(C)) No.529 of 2024 stands disposed of in terms of this order.

Furnish a copy of this order to learned counsel for the parties, in the course of the day.

JUDGE

Priyojit

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PRIYOJIT
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