

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL
WP(C)No.811 of 2021**

Shri N. Chinglemba Singh, aged about 29 years old, S/o (L) N. Manihar Singh of Litan Makhong Heirok Part-II, PO, Thoubal & PS Heirok, District-Thoubal, Manipur-795148.

...Petitioner

- Versus -

The State of Manipur through the Principal Secretary/Commissioner/Secretary(RD& PR), Government of Manipur, Manipur Secretariat, Babupara, Imphal West-795001 & **Anr.**

...Respondents

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

07.02.2024.

[1] Heard Mr. N. Bipin learned counsel for the petitioner and Mr. Shyam Sharma Government Advocate for the State respondents.

[2] The case of the petitioner is that vide order dated 02.11.2016 issued by the Director of Rural Development & Panchayati Raj Department, in which 8 persons were recommended for appointment as Laboratory Assistant in the Rural Engineering Department (RED), Government of Manipur on the recommendation

of class III DPC/Selection Committee. The petitioner was lone candidate in waiting list under unreserved category.

[3] It is stated that the person at Sl. No. 3, Mr. Maibam Kheda Singh expired on 04.05.2017 and the petitioner submitted a representation dated 03.11.2017 for appointing him as Laboratory Assistant in the Rural Engineering Department, Government of Manipur against the vacancy due to the expiry of Maibam Kheda Singh.

[4] Vide letter dated 08.12.2017 (Annexure-A/5), the Deputy Director RD & PR sent a proposal to the Chief Engineer (RED) for appointment of the petitioner as Laboratory Assistant and vide letter dated 22.12.2017(Annexure-A/6), the Chief Engineer RED put up the proposal to the Principal Secretary (RD&PR) for appointment of the petitioner from the panel of wait list drawn by DPC in the aforesaid vacancy. Thereafter, vide another letter dated 09.03.2018(Annexure-A/7), the Chief Engineer, Rural Engineering Department, (RED) submitted additional documents with respect to the proposal for appointment of the petitioner.

[5] By the present writ petition, the petitioner prays for issuing a direction to the respondents for his appointment as Laboratory Assistant against the vacancy due to the expiry of candidate at Sl. No. 3 of the order dated 02.11.2016.

[6] It is also submitted that the proposal for appointment of

the petitioner against the said vacancy is not denied by the State respondent in the counter affidavit.

[7] On the other hand, Mr. Shyam Sharma learned Counsel Advocate submitted that the 8(eight) vacancies of Laboratory Assistants are no longer available on completion of the recruitment proceeding in terms of the order dated 02.11.2016 and hence, the petitioner cannot be appointed against the vacancy arising out of the death of a person recommended at Sl. No. 3. Hence, no direction may be issued for appointment of the petitioner in the vacancy arising out of the death of one of the appointees.

[8] Mr. N. Bipin, learned counsel for the petitioner draws the attention of this court to the contents of the counter affidavit to the fact that the Administrative Department has sought the view of the DP with regard to the proposal submitted by the Chief Engineer, Rural Engineering Department, Manipur (RED) for appointment of the petitioner and the view of the DP is still awaited.

[9] It is prayed that the writ petition may be disposed of with a direction to the respondents to consider the case of the petitioner in view of the proposal as mentioned in the Annexure A/5, A/6 and A/7 and the contents of the counter affidavit seeking the view of the DP.

[10] Mr. Shyam Sharma, learned Government Advocate submitted that the Departmental internal correspondence as mentioned in the Annexure A/5, A/6 and A/7 will not confer any right

to the petitioner for appointment in the vacancy against the death of one of the appointees.

[11] This Court has considered the submissions made by the learned counsel appearing for the parties and material available on record. Accordingly, the writ petition is disposed of with a direction to the respondents to consider the case of the petitioner in terms of the contents of the proposal mentioned in the Annexure A/5, A/6 and A/7 and the contention of the counter affidavit filed by the respondents for appointment of the petitioner to the post of Laboratory Assistant against the vacancy occurred due to the demise of one of the appointees. The same exercise shall be completed within a period of three months from the date of receipt of copy of this order.

[12] It is clarified that this Court does not express any opinion on the merit of the case.

[13] Furnish a copy of this order to the learned counsel appearing for the parties.

JUDGE

John Kom