

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

WP(C) No.666 of 2022

Mutum Deben Singh

... Petitioner

-Versus-

State of Manipur & Anr

... Respondents

**BEFORE**

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

29.08.2024

Heard Mr.Athoi, learned counsel for the petitioner and Mr.Th.Sukumar, learned Government Advocate for the State respondents.

[2] The issue involved in the present case is whether the petitioner (Lecturer), who has already availed the benefit of linking up his past service in erstwhile Aided Jiri College upon conversion of the said College as a Government Lecturer, can claim similar benefit for prior service in the erstwhile Aided Tmabal Marik College upon its subsequent conversion as Government College.

[3] The petitioner was appointed as Lecturer in the then Private Aided College, Thambal Marik College vide order dated 7.10.1992 and later on he joined another Private Aided College, i.e. Jiri College and petitioner submitted his joining report to the Principal, Jiri College on 6.7.2012. Upon his appointment in the Jiri College, petitioner was released from Thambal Marik College vide order dated 15.7.2012 issued by the Principal, Thambal Marik College. Jiri College was converted as a Government College on 8.12.2016 and petitioner's past service in the Jiri College during Aided period was also linked up along with his service in the Government College. Later on, Thambalmarik College was also

converted along with other Colleges w.e.f. 28.6.2018. By the present petition, petitioner claims for linking up his past service in the erstwhile Thambal Marik College w.e.f. 7.10.1992 to 5.7.2012.

Prayer in the writ petition writ petition reads as follows:

“(i) call for the records of the case and issue rule nisi calling upon the respondents to show cause as to why prayer prayed for by the petitioner shall not be granted. And, after hearing them make the rule absolute.

(ii) issue writ of mandamus and/ any other appropriate writ/order/direction to the respondents by directing them to count the past services rendered by the petitioner at the Thambal Marik College, Oinam, i.e. w.e.f. 16.10.1992 to 5.7.2012 as qualifying service as provided under Rule 8 (B) of the Manipur Civil Service (Appointment and other service condition of employees of Govt Aided/Private Institutions taken over by the Govt) Rules, 1981 within a stipulated period.”

[4] Mr.Athoi, learned counsel for the petitioner draws attention of this Court to the provisions of Manipur Civil Service (Appointment and other service condition of employees of Govt Aided/Private Institutions taken over by the Govt) Rules, 1981. Rule 7 of Rules of 1981 provides that past service of Government employees in the same capacity in Government/Aided Private Institutions will be counted towards their regular service in the Government College. Rule 7 of Rules of 1981 reads as under:

“ *Protection of past service:*

*(a) The person so appointed in the Government service shall be deemed to have been appointed in the same capacity as in the Government Aided/Private Institutions, i.e. Temporary, Officiating, Substantive, as the case may be, and the condition of probation and confirmation shall be deemed to have been waived in case of substantive or permanent officials.*

*(b) The service rendered by the employees of the Government Aided/Private Institutions on an equated post shall be counted as experience or service required for promotion or direct recruitment as the case may be."*

In view of Rule 7, Mr.Athoi, learned counsel for the petitioner submits that the petitioner's past service in the first Aided College, ought to be counted and linked up with the service in the Jiri College.

[5] Mr.Sukumar, learned Government Advocate submits that appointment in the Jiri College as Lecturer is not in continuation or transfer from Thambal Marik College and the same is a fresh appointment. Rule 7 contemplates about linking up past service in the Institution where persons were working on the day of conversion of the College as Government College.

[6] Admittedly, on the day of conversion, petitioner was working as Lecturer in an Aided College, i.e. Jiri College and in terms of Rule 7, his past service in the Jiri College has been linked up and regularised for the purpose of pensionary and other service benefits.

[7] Learned Government Advocate has pointed out that provisions of Rule 7 cannot be extended to include other Government College where the petitioner earlier worked and subsequently converted as Government College. It is submitted that the prayer of the petitioner for linking up past service at Thambal Marik College cannot be claimed in terms of Rule 7.

[8] This Court has considered the materials on record and provisions of Rule 7 of the Manipur Civil Service (Appointment and other service condition of employees of Govt Aided/Private Institutions taken over by the Govt) Rules,

1981. On plain reading of the Rule 7, it contemplates for protection of past service rendered by the Government employees and as such, upon conversion of Jiri College as Government College, petitioner has been given benefit of Rule 7. It is also fact that appointment in Jiri College cannot be considered as continuation of the earlier appointment in Thambal Marik College as his service at Thambal Marik College was released upon his joining at Jiri College indicating that appointment in Jiri College was a fresh appointment. After giving benefit of Rule 7(a) upon conversion of Jiri College in the year 2016 there is no provision in the Rule about extending benefit of service link up in other Aided College when the same College was converted as Government College at a later date.

[9] This Court finds merit in the submission made by Mr.Sukumar, learned Government Advocate. If Thambal Marik College and Jiri College were converted on the same date, the case of the petitioner would be on a better different footing. However, in the present case, Thambal Marik College was converted on a later date and having given the benefit of Rule 7 when Jiri College was converted earlier, the same Rule cannot be invoked twice when Thambal Marik College was converted later on.

Accordingly, the writ petition is dismissed. No cost.

JUDGE

*Priyojit*

RAJKUMAR  
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by RAJKUMAR  
PRIYOJIT SINGH  
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