

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

W.A. No. 83 of 2023

The Chief Executive Officer, WAQF Board, Manipur

Appellant

Vs.

Md. Abdul Hakim; & Ors.

Respondents

With
MC (W.A.) No. 136 of 2023
With
MC (W.A.) No. 137 of 2023
With
MC (W.A.) No. 138 of 2023
With
W.A. No. 103 of 2023
With
W.A. No. 104 of 2023
With
W.A. No. 106 of 2023
With
W.A. No. 84 of 2023
With
W.A. No. 85 of 2023

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI**

JUDGMENT & ORDER (ORAL)

02.12.2024

D. Krishnakumar, C.J. :

Since the issue involved in all the writ appeals are similar, for the sake of convenience, the facts narrated and ranking of parties arrayed in writ appeal in W.A. No. 103 of 2023 is adopted in all the writ appeals.

Heard Mr. Anjan Prasad Sahu, learned counsel appearing for the Waqf Board; Mr. H. Debendra, learned Dy. Advocate General, Manipur, appearing for the State of Manipur; and Mr. N. Zequeson, learned counsel, appearing for respondent No. 1/writ petitioner.

After the elaborate discussion and with the consent of both the parties, this Court is to consider the claim of both the appellant-Board as well as the respondent herein/writ petitioner.

According to the respondent herein/writ petitioner, the appellant-Board invited applications from qualified Muslim candidates for appointment of 150 posts of Graduate Teachers on contract basis in Traditional Madrassas under the Madrasa Modernisation Scheme of the Waqf-board, vide the advertisement dated 01.09.2020. Pursuant to the said advertisement, the petitioner applied and he was appointed on contract basis by the appellant Waqf-Board Management. The respondent/writ petitioner was not included in the list of 150 candidates appointed under order dated 24.11.2011. He was placed in the waiting list at Serial No. 1. Pursuant to the resolution of the WAQF Board dated 20.02.2013, the respondent herein/petitioner was appointed as Graduate Teacher (Mathematics) on contract basis for a period of one year and subsequently, the appointment of the respondent herein/writ petitioner herein was cancelled by order dated 29.06.2013 by the appellant-board on the ground that the earlier appointment order was issued by the incompetent persons.

Thereafter, the writ petitioner was appointed by order dated 01.10.2015 and he joined service on 03.10.2015 and further it is the case of the respondent herein/writ petitioner that the service of similarly placed persons appointed along with the respondent herein, have been regularized by the appellant-board and the same has been approved by the State Government, namely, the Education Department. According to the respondent herein/writ petitioner, his service was not regularized and further submitted that he is continuously serving in the school under the School management and therefore the respondent herein/writ petitioner is entitled for remuneration for the period which he served with the appellant-board and also entitled for the regularization of his service.

Learned counsel appearing for the respondent herein/writ petitioner would submit that similarly placed persons have been already regularized by the Management, therefore, respondent herein is also entitled on par with the aforesaid similarly placed persons.

To that extent, there is dispute regarding the regularization of service and the entitlement of remuneration for the period which the respondent herein/writ petitioner served in the appellant management-Board.

Since the appellant herein has disputed questions of fact that respondent herein/writ petitioner is not eligible to consider on par with the similarly situated persons, this Court is inclined to pass the order as follows:

- (i) The respondent herein/writ petitioner shall make a detailed written application along with relevant documents to the appellant Waqf Board, within a period of two weeks from the date of receipt of this order, which shall contains all the details of his service under the appellant-Board.
- (ii) If any such written request have been made by the respondent herein/writ petitioner within the aforesaid period, the appellant-Board shall consider the documents which have been submitted before the appellant-Board and also consider the records available with the Waqf Board and take appropriate decision for regularization of service of the respondent herein/writ petitioner, on par with similarly placed persons, if found eligible, in accordance with law.
- (iii) If the respondent herein/writ petitioner is eligible for regularization of service on par with similarly placed persons, then the State Government has to consider the same and to take appropriate decision in accordance with law.
- (iv) Further, in respect of remuneration, the respondent/writ petitioner shall also furnish all the details satisfying the period which he claimed to have been served in the appellant-Board. If the respondent/writ petitioner is found eligible for remuneration for the said period, the appellant-Board shall pay

the entire arrears of remuneration to the respondent/writ petitioner, as per the appointment order, within a period of 12 weeks.

With regard to clause (ii) of the above direction, we make it clear that the entire exercise shall be completed by the appellant-board within a period of 12 weeks from the date of receipt of the proposal, and thereafter, the State government has to consider the said proposal, if any, submitted by the Board and pass final order in accordance with law, as expeditiously as possible, preferably within 12 weeks.

With the above directions, the writ appeals and the connected applications are disposed of accordingly.

Sandeep

JUDGE

CHIEF JUSTICE