

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

**WP(C) No. 699 of 2023 with
MC(WP(C) No. 295 of 2023**

Debert Yumlembam

.....*Petitioner/s*

- Versus -

State of Manipur & 2 Ors.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

04.03.2024

[1] Heard Mr. M. Hemchandra, learned senior counsel assisted by Mr. M. Rendy, learned counsel for the petitioner and Mr. Th. Sukumar, learned G.A. for the State respondent.

[2] The case of the petitioner is for including Nongpok Keithelmanbi Primary Health Centre as remote and difficult area for posting in terms of O.M. dated 08.02.2013 issued by the Deputy Secretary (Health & Family Welfare), Government of Manipur.

[3] The petitioner is a Medical Officer posted at Nongpok Keithelmanbi Primary Health Centre and since, Nongpok Keithelmanbi Primary Health Centre is not included in the O.M. dated 08.02.2013 as remote and difficult area to entitle some incentives, the petitioner could not get the incentive for taking admission in PG course.

[4] Accordingly, the petitioner submitted a representation dated 02.08.2023 to (i) The Commissioner (Health & FW), Government of Manipur, (ii) The Director, Manipur Health Services, Government of Manipur and (iii) The Chief Medical Officer, Imphal East, Porompat, Government of Manipur for considering revision of the O.M. dated 08.02.2013 for inclusion of Nongpok Keithelmanbi Primary Health Centre as difficult and remote area. Since, no action was taken on the representation, the petitioner earlier approached this Court by way of writ petition being WP(C) No. 554 of 2023 and vide order dated 08.08.2023, this Court directed the respondents to consider the representation by passing a speaking order and the relevant para is reproduced herein below:

“5. In view of the submissions made by the learned counsel appearing for the parties, this Court is of the considered view that the present writ petition can be disposed of by directing the Commissioner (Health & Family Welfare), Government of Manipur to consider the said representation dated 02.08.2023 submitted by the petitioner by taking into consideration the narration made in the said representation and in terms of the applicable rules and dispose of the same by issuing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Ordered accordingly.

With the aforesaid directions, the present writ petition is disposed of.”

[5] In pursuance to the direction of this Court, the Joint Secretary (Health & FW), Government of Manipur issued the impugned

order dated 19.09.2023 by observing in para 6 that inclusion of Nongpok Keithelmanbi Primary Health Center as remote and difficult will be considered when the State Government reviews the O.M. dated 08.02.2013.

[6] The petitioner, being aggrieved by the observation made in para 6, approached this Court by way of the present writ petition, inter-alia, praying for directing the respondents to consider/review para 6 of the impugned order for inclusion of Nongpok Keithelmanbi Primary Health Centre on merit in the O.M. dated 08.02.2013 within a time frame.

[7] It is also pointed out that vide letter dated 26.07.2023, the Director of Health Services, Manipur submitted a proposal to the Commissioner (Health & FW), Government of Manipur for reviewing of the O.M. dated 08.02.2013 as the same was issued 10 years ago.

[8] Vide order dated 16.10.2023, this Court issued notice to the limited question as to whether the Nongpok Keithelmanbi Primary Health Centre could be declared as remote and difficult posting or not in the O.M. dated 08.02.2013. Vide another order dated 18.12.2023, the respondents were directed to file a detailed and proper status report of the matter.

[9] Mr. M. Hemchandra, learned senior counsel, submits that entrance examination for PG course is going to be conducted in the month of March, 2024 and writ petition may be disposed of with a direction to the respondents to review the contents of para 6 of the impugned order dated 19.09.2023 for inclusion of Nongpok

Keithelmanbi PHC as remote and difficult area in the O.M. dated 08.02.2013.

[10] During the course of hearing, Mr. Th. Sukumar, learned G.A., submits that counter affidavit is sent for signature. On the other hand, it is submitted that the impugned order dated 19.09.2023 specially para 6, can be considered as an order rejecting the representation submitted by the petitioner.

[11] This Court is disposing the petition without filing of any counter affidavit in view of the peculiar facts and circumstances of the matter.

[12] This Court has considered the materials on record. In order dated 08.08.2023 passed by this Court in WP(C) No. 554 of 2023, the direction was to dispose of the representation dated 02.08.2023 by issuing a speaking order.

[13] On perusal of the impugned order dated 19.09.2023, the respondents observed in para 4 that the O.M. dated 08.02.2013 needs to be reviewed, as the same was issued 10 years back. However, in para 6 of the impugned order, it is recorded that inclusion of Nongpok Keithelmanbi Primary Health Centre as remote and difficult area will be considered as and when the Government reviews the O.M.

[14] This Court is of the view that para 6 is not in strict compliance with para 5 of the order dated 08.08.2023 directing the State Government to pass a speaking order. Accordingly, the respondents are directed to pass a speaking order as to the inclusion of Nongpok Keithelmanbi Primary Health Centre as remote and difficult

area or not in the O.M. dated 08.02.2013 within a period of 2 (two) weeks from the date of receipt of a copy of this order.

[15] It is made clear that this Court does not express any opinion on the merit of the case and respondents may pass appropriate order on the basis of the materials on record.

[16] With this observation, writ petition is disposed of.

[17] In terms of the above order, misc. application is, accordingly, disposed of.

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

JUDGE

Kh. Joshua Maring

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