

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

WP(C) No.847 of 2021

Waikhom Hemochandra Singh ... Petitioners

-Versus-

State of Manipur & Anr ... Respondents

BEFORE

HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA

22.10.2024

Heard Mr.Ng.Jotindra, learned counsel along with Ms.W.Gitarani, learned counsel for the petitioner and Mr.Th.Sukumar, learned Government Advocate.

[2] The petitioner approached this Court for a direction to the State to appoint him in the post of Veterinary Field Assistant in the Department of Veterinary & Animal Husbandry, Government of Manipur as done in the case of similarly situated persons.

[3] It is the case of the petitioner that he appeared in the DPC held in the year 1999 for twenty-nine posts of Veterinary Field Assistants. The result of the DPC was not declared. Some of the applicants approached this Court and on the direction of this Court, result of the DPC was declared vide recommendation dated 17.3.2004 for twenty nine persons, including the petitioner herein, at Sl.No.4. Since no appointment order was issued in pursuance of the recommendation of the DPC, some of the selected candidates, including the petitioner submitted various representations to the competent authority for issuing appointment orders.

[4] Thereafter, thirteen of the selected candidates approached this Court by way of WP(C) Nos.293 of 2016 and 977 of 2016 and vide order dated 2.11.2017, this Court directed the State respondents to consider the case of the petitioner for appointment within three months. The direction in the order dated 2.11.2017 was challenged before the Division Bench by way of WA No.39 of 2019 and vide order dated 2.12.2019, the appeal was dismissed on the ground of delay of 577 days and SLP (Civil) Diary No.17274/2020 was also dismissed vide order dated 2.11.2020 by the Hon'ble Supreme Court. Hence, the direction of the learned Single Judge in the order dated 2.11.2017 for considering the case of the petitioner has attained finality.

[5] In pursuance of direction of the learned Single Judge, thirteen persons were appointed as Veterinary Field Assistants vide order dated 17.2.2021. Thereafter, petitioner approached this Court, praying for similar relief. It is also stated that three more persons were also appointed to the post of Veterinary Field Assistants vide order dated 22.10.2021 as per direction of this Court in the order dated 9.2.2018 in WP(C) No.91 of 2017.

[6] Mr.Ng.Jotindra, learned counsel for the petitioner submits that the petitioner herein is also similarly situated with the sixteen persons already appointed by the State respondents and is praying for similar relief. It is alleged that the State respondents is adopting the policy of pick and choose, by making appointment of sixteen persons and leaving out the petitioner and other similarly situated persons. It is submitted that exemplary cost may be imposed against the State for the lapses and gross negligence.

[7] On the other hand, Mr.Th.Sukumar, learned Government Advocate has pointed out that the petitioner could not explain the delay and lapses on his part in approaching the Court

only in the year 2021 when favourable order was passed in favour of the other selected candidates. If petitioner was diligent enough, he would have approached the Court in the year, 2014 when the result of the DPC was declared. Secondly, it is submitted that there is no lapse on the part of the State as the appointment order could not be issued due to ban on direct recruitment imposed by the State Government. Thirdly, it is submitted that as on date, petitioner is about 61 years and is not eligible for appointment by way of direct recruit. It is submitted that the writ petition may be closed as infructuous.

[8] As rebuttal, Mr.Jotindra, learned counsel for the petitioner submits that the writ petition by the three selectees was filed on 4.12.2017 after disposal of WP(C) Nos.293 of 2016 and 977 of 2016 by order dated 2.11.2017 and he also would be covered by the same direction.

[9] This Court has considered the materials on record and took judicial note of the subsequent development. It is admitted fact that sixteen persons out of the original twenty nine selectees were appointed to the posts of Veterinary Field Assistants on the directions passed by this Court. The prayer no.(ii) of the petitioner is for a direction for his appointment as Veterinary Field Assistant on parity with the sixteen appointees. Even if, the prayer of the petitioner is allowed, due to the subsequent development of petitioner's exceeding age of superannuation, i.e 61 years, as on date, no effective direction can be given for his appointment as direct recruit.

[10] The plea of Mr.Ng.Jotindra, learned counsel for the petitioner to allow prayer (i) i.e. setting aside the impugned order dated 28.09.2021, cannot be acceded to as no effective order could be passed in favour of the petitioner due to the subsequent

development of attaining the age of superannuation. At this stage, Mr.Jotindra, learned counsel for the petitioner seeks liberty that he may be permitted to file fresh petition/application/suit for claiming damage against the State respondents for the injustice meted out to him.

[11] On the other hand, Mr.Th.Sukumar, learned Government Advocate submits that there is no lapse or deliberate inaction on the part of the State respondents in not issuing appointment order, due to prevailing ban/policy of Government of Manipur, on direct recruitment.

[12] Considering the fact that petitioner has attained the age of superannuation, the writ petition has become infructuous and is closed without expressing any opinion on the merit of the contentions of both the parties. The petitioner is at liberty to approach any appropriate forum for redressal of his grievance, if any and, if so advised.

With the above observation, the writ petition is disposed of as infructuous. Interim order, if any stands vacated.

Misc case, if any, stands disposed of.

JUDGE

Priyojit

RAJKUMAR PRIYOJIT SINGH
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by RAJKUMAR
PRIYOJIT SINGH
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