

Item No. 50

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL****WP(C) No. 726 of 2023**

Smt. Jacinta Zimik Vashai

Petitioner**Vs.**

Chairman, Board of Secondary Education Manipur

Respondent

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI****ORDER****17.09.2024*****Siddharth Mridul, C.J.:***

Mr. Tungrei Ngakang, learned counsel appearing on behalf of the petitioner and Mr. I. Denning, learned counsel appears on behalf of the respondent.

The present writ petition instituted on behalf of Smt. Jacinta Zimik Vashai prayed as follows :

“It is, therefore, in the facts and circumstances as submitted herein above, the Petitioner most respectfully prayed that this Hon’ble Court may kindly be pleased to:

- a. Issue appropriate writ, direction or order in the nature of mandamus, declaration or any other appropriate writ, direction or order declaring the Notification No. Cs/7 dated 19.10.1976 issued by the Board of Secondary Education, Manipur as discriminatory, arbitrary, ultra vires, illegal and null and void *ab initio*;
- b. Issue appropriate writ, direction or order in the nature of mandamus, declaration or any other appropriate writ, direction or order declaring the provisions of Clause 63.A.1 of the Notification No. Ex/204/18 dated 25.05.2018 issued by the Board of Secondary Education, Manipur as unreasonable, arbitrary, illegal and null and void *ab initio*;

- c. Issue appropriate writ, direction or order in the nature of mandamus, declaration or any other appropriate writ, direction or order declaring the provisions of Clause 63.A.2 of the Notification No. Ex/204/18 dated 25.05.2018 issued by the Board of Secondary Education, Manipur as unreasonable, arbitrary, illegal and null and void *ab initio*;
- d. Issue appropriate writ, direction or order in the nature of mandamus, declaration or any other appropriate writ, direction or order declaring the provisions of Clause 63.B.1 of the Notification No. Ex/204/18 dated 25.05.2018 issued by the Board of Secondary Education, Manipur as unreasonable, arbitrary, illegal and null and void *ab initio*;
- e. Issue appropriate writ, direction or order in the nature of mandamus, declaration or any other appropriate writ, direction or order declaring the impugned oral rejection of the Application dated 20.11.2020 by applying the amended Notification No. Ex/204/18 dated 25.05.2018 rather than the Existing Rule as illegal and null and void *ab initio*;
- f. Issue appropriate writ, direction or order in the nature of mandamus, declaration or any other appropriate writ, direction or order directing the Respondent No. 1 to consider the Application dated 20.11.2020 of the Petitioner as in accordance with the provisions of Clause 63.C.1 and Clause 63.C.2 of the Existing Rule;
- g. Issue appropriate writ, direction or order in the nature of mandamus, declaration or any other appropriate writ, direction or order directing the Respondent No. 1 to correct the Date of Birth of the Petitioner in her High School Leaving Certificate as 30.05.1966 as in accordance with the provisions of Clause 63.C.1 and Clause 63.C.2 of the Existing Rule;
- h. Issue appropriate writ, direction or order in the nature of mandamus, declaration or any other appropriate writ, direction or order directing the Respondents to make necessary amendments/modifications in the Notification No. Ex/204/18 dated 25.05.2018 issued by the Board of Secondary Education, Manipur as in compliance with the directions issued by the Hon'ble Supreme Court in the matter of Jigya Yadav Through Her Father vs. C.B.S.E.; and
- i. Pass any such other order(s) as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

In view of the admitted position that Regular First Appeal instituted on the same cause of action, is pending adjudication before the Ld. District, Judge, Imphal West against the judgment and order dated 3rd of

July, 2023 passed in Original Suit No. 11 of 2022 passed by the Ld. Civil Judge, Junior Division, Imphal West; the learned counsel appearing on behalf of the petitioner seeks leave to withdraw this writ petition with liberty to further prosecute the said Regular First Appeal as aforementioned.

Leave and liberty granted.

The writ petition is dismissed as withdrawn and disposed of.

JUDGE

CHIEF JUSTICE

Sushil