

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

**WP(C) No. 827 of 2024 with
MC(WP(C) No. 743 of 2024**

Diana Nongmaithem

.....Petitioner/s

- Versus -

The State of Manipur represented by the Chief
Secretary/Commissioner (Home), Government of Manipur

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

02.12.2024

[1] Heard Mr. M. Rendy, learned counsel for the petitioner, Mr. M. Devananda, learned Addl. A.G. along with Mr. Shyam Sharma, learned G.A. on behalf of respondent Nos. 1 to 3 and Mr. L. Rajesh, learned counsel for respondent No. 4 (MPSC).

[2] Mr. M. Rendy, learned counsel for the petitioner, submits that in pursuance of the advertisement dated 29.11.2021 issued by the Manipur Public Service Commission for recruitment of Scientific Officer and Scientific Assistant for Forensic Science Laboratory, Manipur, the petitioner applied for the posts of Scientific Assistant (Cyber, Chemistry & Photography). It is stated that as per the Recruitment Rules for Scientific Assistant along with the Master's Degree, there is requirement of having passed Physics and Chemistry in graduation and

certificate in cyber law. The case of the petitioner was rejected vide notification dated 22.10.2024 that she is not eligible as she could not produce certificate for passing Physics and Chemistry in graduation and certificate for cyber. Thereafter, the candidature of the petitioner was rejected. Serial No. 61 of the notification dated 22.10.2024 is reproduced as:

Sl.No.	App ID	Post Applied	Remarks
61	151669	Scientific Officer (Cyber) Scientific Assistant (Chemistry) Scientific Assistant (Photography)	To submit Graduation Marksheets to prove Physics as one of the subjects & PGDCA Certificate (for Cyber) and not eligible for Chemistry & Photography as per SUBJECT OPTED

[3] The petitioner submitted a representation dated 25.11.2024 to the Chief Secretary, Commissioner (Home), Director Forensic Science Laboratory and MPSC for reconsidering her candidature as she is otherwise eligible for appearing in all the papers. It is submitted that the representation is still pending and the examination is fixed on 07.12.2024.

[4] Mr. M. Devananda, learned Addl. A.G., draws the attention of this Court that the petitioner does not have requisite qualification of graduation in Chemistry and Physics and as such, she is not eligible for appearing in the posts applied for. It is also pointed out that the writ petitions are pending before the Division Bench challenging the recruitment rules for Scientific Assistant including mandatory qualification of passing Physics and Chemistry in graduation

and there is no stay by the Division Bench to the concerned recruitment rules.

[5] Mr. L. Rajesh, learned counsel for the MPSC, submits that the notification and the rejection have been issued considering the requirements mentioned in the recruitment rules.

[6] Mr. M. Rendy, learned counsel for the petitioner, submits that the writ petition may be disposed of at this stage by directing the Director, Forensic Science Laboratory, Manipur to consider and dispose of the representation dated 25.11.2024 by a speaking order before the date of examination i.e. 07.12.2024.

[7] Learned counsel for the respondents have no objection in disposing of the writ petition by an innocuous order.

[8] Mr. M. Devananda, learned Addl. A.G., submits that it will be sufficed if a direction is given to the Director, Forensic Science Laboratory, Manipur to consider and dispose of the representation submitted by the petitioner in terms of the relevant rules.

[9] Considering the submissions made at the bar and materials on record, writ petition is disposed of by directing the Director, Forensic Science Laboratory, Manipur to consider and dispose of the representation dated 25.11.2024 submitted by the petitioner by 06.12.2024 as per rule.

[10] With this observations and directions, writ petition is disposed of.

[11] It is made clear that this Court does not express any opinion on the merit of the case.

[12] Furnish a copy of this order to the learned counsel for the parties.

JUDGE

Kh. Joshua Maring

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