

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

Item no. 28

W.P. (C) No. 68 of 2019

Kh Jugol Singh and Anr.

... Petitioners

- Versus -

State of Manipur and 2 Ors.

... Respondents

**B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

ORDER

04.12.2025

[1] Heard Mr. N. Bipin, learned counsel for the petitioners and Mrs. Ch. Sundari, learned GA for the State respondents.

[2] The petitioner no. 1 is working as Headmaster in Phaibung Aided High School and the petitioner no. 2 is working Assistant Headmaster in the same Phaibung Aided High School. The school was converted into Govt. school vide order dated 22.02.2016 issued by Commissioner, Education (S), Govt. of Manipur along with 13(thirteen) schools and the Phaibung High School is shown at Sl. no. 10 of the aforesaid order dated 22.02.2016. After the conversion of the 13 schools, the Director of Education (S), Govt. of Manipur issued an order dated 08.11.2016 thereby, 51(fiftyone) persons were appointed on regular basis against the posts available in the newly converted Govt. schools and the petitioners are shown at Sl. nos. 48 & 49 against the Science Graduate Teacher (SGT) and Arts Graduate Teacher (AGT) in the pay scale of Rs. 9,300-34,800 with AGP Rs. 3,900.

[3] The learned counsel for the petitioners has pointed out that earlier the petitioners approached this Court by way of writ petition being W.P. (C) No. 39 of 2017 for appointment as Headmaster and Assistant Headmaster against the posts available and vide order dated 06.08.2018, the writ petition

was disposed of by directing the State respondents to consider the appointment of the petitioners to the posts of Headmaster and Assistant Headmaster against the reallocated posts of Headmaster and Assistant Headmaster as recommended by Education(S) Department, Govt. of Manipur. Thereafter, since the direction passed by this Court in order dated 06.08.2018 has not been complied, the petitioners approach this Court by way of the present writ petition. The prayer is reproduced below:

- i) issue a writ in the nature of mandamus or any other appropriate writ or direction directing the respondents concerned for considering the case of the petitioners for absorption to their respective post of Headmaster and Assistant Headmaster to the Phaibung High School in view of the letter of Director, Education (S), Government of Manipur under letter No. 20/1/2016-ED(AD/H) dated 28-12-2017 and also in compliance of the Hon'ble Court's order dated 6-8-2018 passed in W.P.(C) No. 39 of 2017 by way of modifying the order dated 16-11-2018 for the ends of justice;*
- ii) in the interim, restrain the respondents from making any process for filling up the post of Headmaster and Assistant Headmaster of Phaibung High School without first considering the case of the petitioners for absorption as Head Master and Assistant Head Master in the said school pending disposal of the present case and*
- iii) pass such further order(s) or direction(s) which this Hon'ble Court deem fit and proper to secure the ends of justice.*

[4] The learned counsel draws the attention of this Court to the letter dated 28.12.2017 written by the Director of Education(S), Govt. of Manipur to the Principal Secretary, Education(S), Govt. of Manipur regarding transfer of the posts of Headmaster and Assistant Headmaster from the erstwhile Bengali High School to Phaibung High School and alternate prayer is made that the writ

petition be disposed of by directing the State respondents to consider the case of the petitioners for the absorption against the 2(two) posts transferred from erstwhile Bengali High School. It is also pointed out that vide order dated 30.01.2019 passed by this Court in the present case, respondents were directed not to fill-up the posts of Headmaster and Assistant Headmaster of Phaibung High School without considering the case of the petitioners and interim order is extended from time to time.

[5] Mrs. Ch. Sundari, learned GA has pointed out that the petitioners could not be absorbed as directed by this Court in order dated 06.08.2018 passed by this Court in W.P. (C) No. 39 of 2017 as per the relevant Rules & Regulations. The petitioner no. 1 has 3 years service as Assistant Headmaster and was regularized in the year, 2016 by vide order dated 08.11.2016 and the petitioner no. 2 as Graduate Teacher for 5 years and he was also regularized in the year, 2016 by vide order dated 08.11.2016.

[6] The learned counsel for the petitioners submits that the petitioner no. 1 was recommended by Selection Committee meeting held on 09.04.2003 for appointment on promotion to the post of Headmaster and the petitioner no. 2 was also recommended by Selection Committee meeting held on 19.04.2003 for appointment on promotion to the post of Assistant Headmaster and as such, they are eligible.

[7] The learned GA for the State respondents submits that the petitioners are not eligible and there is no vacant post available.

[8] This Court has perused the materials on record and alternate prayer made by the learned counsel for the petitioners during the course of hearing that the writ petition may be disposed of by directing the respondents to consider the case of the petitioners against the posts available vide letter dated 28.12.2017 sent by the Director, Education(S), Govt. of Manipur to the Principal Secretary, Education(S), Govt. of Manipur for transfer of the post of Headmaster and Assistant Headmaster from the erstwhile Bengali High School to the Phaibung High School.

[9] With the limited prayer made by the learned counsel for the petitioners during the course of hearing, this Court is of the view that after the superannuation of the petitioners, it will be proper to direct the State respondents to consider the case of the petitioners against the posts available in terms of the letter dated 28.12.2017 issued by the Director, Education(S), Govt. of Manipur and keeping in view of the interim order dated 30.01.2019 passed by this Court that without considering the case of the petitioners, respondents were directed not to fill-up the vacant posts of Headmaster and Assistant Headmaster in Phaibung High School.

[10] With these observations, the W.P. (C) No. 68 of 2019 is disposed of by directing the State respondents to issue necessary order within a period of 3(three) months from the date of receipt of a copy of this order.

[11] Earlier interim order is merged with the final order.

[12] It is made clear that this Court does not express any opinion on the merit of the case and the same is confined as stated above for consideration of pensionary and other service benefits of the petitioners against the 2(two) available posts in terms of the letter dated 28.12.2017 issued by the Director, Education (S), Govt. of Manipur.

[13] Send a copy of this order to the Administrative Secretary and Director, Education(S), Govt. of Manipur for information and necessary compliance.

JUDGE

Thoiba