

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

WA No.2 of 2025

With
MC(WA)No.102 of 2025
With
MC(WA)No.13 of 2025

State of Manipur & 3 ors.

Appellants

Vs.

Laikhuram Nandabir Singh

Respondent

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH
(ORDER)**

(Order of the Court was made by Mr. M. Sundar, CJ)

10.12.2025

[1] Captioned 'writ appeal' ('WA' for the sake of brevity) is an intra-Court appeal.

[2] Judgement and order dated 27.12.2024 made in WP(C)No.304 of 2024 and MC(WP(C)No.274 of 2024 thereat has been assailed in the captioned WA and therefore, this 'Judgement & Order dated 27.12.2024' made by Hon'ble Single Bench shall hereon and henceforth be referred to as 'impugned judgment' for the sake of convenience and clarity.

[3] In the hearing today, Mr. S. Nepolean, learned senior advocate and senior counsel instructed by Mr. Phungyo Zingkhai, learned

State counsel who is on record for the appellants and Mrs. G. Pushpa, learned counsel for the sole respondent are before this Court.

[4] The main WA was taken up and heard out with the consent of learned counsel on both sides.

[5] Short facts shorn of elaboration, in other words factual matrix in a nutshell containing facts that are imperative for appreciating instant order are that the entire matter pertains to 2(two) years B.Ed. training course in DM College of teachers Imphal; that the sole respondent was initially appointed as Science Graduate Teacher vide Government order dated 07.03.2003 in the Charangpat High School; that thereafter the sole respondent was promoted as Lecturer(physics), Higher Secondary School; that State vide a Notification dated 02.12.2021 amended the Recruitment Rules *qua* post of Lecturers, Higher Secondary Schools; that this was followed by a notification dated 29.06.2022 re-designating the post of Lecturers Higher Secondary Schools as Post Graduate Teachers; that owing to the amendment of 'Recruitment Rules'('RR' for the sake of brevity), it became necessary for the respondent to undergo 'two years B.Ed. training course'('said course' for the sake of convenience) as in and vide amendment to RR a distinction had been brought in between trained and the untrained teachers which did not exist until that point of time; that the sole respondent, pursuant to a notification from DM College of Teachers Education submitted an application dated 16.06.2022 to the jurisdictional Zonal Educational Officer(ZEO) seeking No Objection

Certificate(NOC) for undergoing B.Ed. Training course for the academic years 2022-24 on deputation; that the Principal of the School(Lamding Higher Secondary School where the respondent was serving) issued a NOC certifying that he has no objection qua deputation; that the sole respondent could not be admitted to 2022-24 course for want of NOC from ZEO which was not given on the sole ground that the respondent sought NOC only after the prescribed date in the notification; that thereafter the respondent sought admission qua said course for the academic session 2023-25 but this was negatived citing a notification dated 14.03.2014 {paragraph 3(a)} which says that a minimum of 8(eight) years of service before retirement on superannuation is necessary at the time of deputation/nomination for B.Ed. programme i.e., said course; that the respondent approached this Court vide afore-referred WP(C)No.304 of 2024 seeking a direction to allow the respondent to undergo two years B.Ed. Training course(said course) in DM College of Teachers Education, Imphal and this writ petition was allowed vide the impugned judgement directing the State to admit the respondent in B.Ed. course (said course) in DM College in any available seat; that in and vide impugned judgment, paragraph 7 of 14.03.2014 notification which provided for removal of difficulties was directed to be resorted to; that State contending that it is aggrieved by the impugned judgment, filed captioned WA; that in the captioned WA in MC(WA)No.13 of 2024, on 19.03.2025, predecessor Hon'ble Bench passed an order of interim direction to the effect that if there is any vacancy in the two years B.Ed. course(said course) in DM

College, the same shall not be filled up until further orders; that 19.03.2025 interim order is now operating and that under such circumstances, main WA was taken up and heard out with consent of both sides, as alluded to supra.

[6] Learned senior counsel for State appellants contended that 8(eight) years service being left before superannuation is imperative/mandatory vide para 3(a) of 14.03.2014 notification.

[7] Learned counsel for the sole respondent contended to the contrary by stating that with regard to 2022-24 academic course qua said course the respondent was eligible as he had 8(eight) years service left and the application was rejected solely on the ground of non-production of NOC from ZEO and in any event removal of difficulty (paragraph 7) of 14.03.2014 notification does not stand denuded.

[8] This Court now finds that a piquant situation has arisen in the case on hand, as it is confirmed by the learned senior counsel for State on instructions that one seat in B.Ed. training course(said course) for the ongoing academic course is available(kept vacant) but the same will now go abegging if the respondent is not admitted. Learned counsel for respondent, on instructions, submitted that the respondent is ready to abide by the Manipur University Regulations and Rules regarding writing Semester Examinations, attendance etc., and pursue the course if he is admitted.

[9] If the respondent is not permitted to pursue the course, subject of course to adherence to University regulations for writing examination, attendance etc., one seat will go abegging. On the contrary, if the respondent is permitted to undergo the course, it would only be subject to obtaining regulations and after all respondent was eligible for 2022-24 academic session when he made an application as he had more than 8(eight) years service on that day(to be noted, respondent would superannuate only in 2031). This is buttressed by undisputed obtaining position that respondent is a in service candidate.

[10] In this backdrop, in the light of piquant situation adverted to supra, one apprehension raised by the learned counsel for State is that the instant case may become a precedent in the days to come and that can lead to anomalies and difficulties. This Court deems it appropriate to make it clear that neither this order nor the impugned judgement of Hon'ble Single Bench will serve as a precedent as it is being made in the light of peculiar facts and circumstances of this case i.e., inter-alia where respondent was otherwise eligible qua 2022-24 stream of said course viewed in the light of the piquant situation that has arisen wherein one seat will go abegging.

[11] To be noted, other than '8 years service' point, there is no other legal grind *qua* the impugned judgment. Therefore, this Court deems it appropriate to sustain the impugned judgment of the Hon'ble Single Bench albeit with a rider that this order and the order of the Hon'ble Single

Bench shall not serve as a precedents and if such cases arise, the same shall be dealt with on its own merits and in accordance with law.

[12] Captioned writ appeal is disposed of as closed sustaining the impugned judgement directing admission of respondent in B.Ed. course in DM College. Consequently, captioned MCs thereat are also disposed of as closed. There shall be no order as to costs.

JUDGE

CHIEF JUSTICE

John Kom