

Items No. 62, 66 & 67

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL****WA No. 14 of 2023**

Bhabeswar Tongbram

...Appellant**- Versus -**

Khaidem Joychandra Singh and 2 Others

...Respondents**With****WA No. 16 of 2023****With****WA No. 21 of 2023****B E F O R E****HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI****ORDER****19-02-2025****(D. Krishnakumar, C.J.),**

Mr. S.D. Singh, learned counsel assisted by Mr. Tondon Thokchom, learned counsel, appears for the appellants; Mr. M. Devananda, learned Additional Advocate General assisted by Ms. N. Jyotsana, learned counsel, appears for the State of Manipur; Mr. S. Jasobanta, learned counsel, appears for the UGC and Dr. RK Deepak, learned senior counsel assisted by Mr. T. Dennis, learned counsel, appears for the MTU. Heard also Mr. N. Jotendro, learned senior counsel assisted by Mr. Murtaza Ahmed, learned counsel, appears for the respondent No. 1 in WA No. 16 of 2023.

The preliminary objection has been raised by the counsel for the appellant regarding the maintainability of the writ petition on the ground that the prayer sought for in the writ petition is *Certiorari*. Since the appointment of the appellant is Vice-Chancellor of the Manipur Technical University, the said Writ of Certiorari is not maintainable.

Learned counsel appearing for the parties has fairly agreed that the prayer sought for by the petitioner in the writ petitions has not been decided by the learned Single Judge.

To sum up, whether the prayer sought for in the writ petition of *Certiorari* for quashing the appointment of the Vice-Chancellor is maintainable while the Vice-Chancellor is holding the public office. The legal submission raised by the appellant was not decided in the writ petition and after elaborate arguments both the counsel for the parties have agreed that the order of the writ court may be set aside and remit back to the learned Single Judge to decide afresh, including the preliminary objection raised, in the writ appeal.

This Court is of the view that matters may be remitted back to the learned Single Judge for deciding the writ petition afresh on its own merit including the preliminary objections raised by the appellants, in accordance with law.

Therefore, in view of the submissions made by the parties, we have no hesitation to set aside the common judgment and orders dated 27.01.2023 passed by the learned Single Judge in WP(C) No. 805 of 2021, WP(C) No. 791 of 2021, WP(C) No. 825 of 2021 and WP(C) No. 807 of 2021 and the matters be remanded back to the learned Single Judge. Therefore, the order of the writ court is liable to be set aside.

According to the appellant, tenure of the Vice-Chancellor of Manipur Technical University is for the period of 5 years or till he attains the age of 70 years whichever is earlier. He has assumed the charge as Vice-Chancellor in the year 2021. In view of the said urgency, learned counsel for the appellant seeks early disposal of the writ petition. The counsel for the respondent also agrees that they will cooperate for disposal of the writ petition.

In fine, order of the writ court is set aside and consequently, writ appeals stand allowed, and remit back to writ court to decide afresh. We request the learned Single Judge to dispose of the writ petitions as early as

possible within a period of 8(eight) weeks from the date of receipt of a certified copy of this order.

It is also made clear that the parties also agreed that they shall not seek any unnecessary adjournments before the writ court, for early disposal of the matters.

JUDGE

CHIEF JUSTICE

Sushil