

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

W.A. No. 63 of 2023

State of Manipur; & Anr.

Appellants

Vs.

Laitonjam Nabadwip Singh; & Anr.

Respondents

***Clubbed with
MC (W.A.) No. 117 of 2023***

BEFORE

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

(Order of the Court was made by M. Sundar, C.J.)

16.09.2025

[1] Captioned main writ appeal is a State appeal. It is an intra-court appeal wherein an order dated 07.06.2022 made by Hon'ble Single Judge in W.P. (C) No. 289 of 2021 has been assailed. This 07.06.2022 order which is under challenge shall from hereon and henceforth be referred to as 'impugned order' for the sake of brevity, convenience and clarity.

[2] Ms. Ch. Sundari learned State counsel for the appellants and Mr. A. Mohendro, learned counsel for the respondents are before us.

[3] From the case file and from the submissions made by the learned State counsel, we find that the genesis of a matter is traceable to what can be described as *Birjit Singh principle*, being ratio laid down by the Hon'ble Gauhati High Court in Civil Rule No. 179 of 1995 *vide* order dated 05.02.1998.

Birjit Singh principle, simply stated, is one which directs regularization in immediate future vacancy with a caveat that the petitioner therein shall not be ousted from service. To be noted, in *Birjit Singh*, the petitioner was working as a Skilled Artisan (Bamboo and Cane) from 1986 in the Department of Industries. Post *Birjit Singh principle*, on 10.01.2019, the second respondent made an order rejecting the regularization plea of several persons who made a claim stating that they are similarly placed *qua* *Birjit Singh*. This 10.01.2019 order shall be referred to as 'impugned order of R2' for convenience.

[4] Assailing the impugned order of R2, 14 individuals (including the two respondents before us, namely, Laitonjam Nabadwip Singh and Smt. Sapam Prava Devi) filed a writ petition in W.P. (C) No. 930 of 2019. Pending W.P. (C) No. 930 of 2019, W.P. (C) No. 289 of 2021 was filed by two respondents before us with similar prayer. W.P. (C) No. 289 of 2021 came to be disposed of *vide* impugned order in the captioned matter i.e., order of the Hon'ble Single Judge dated 07.06.2022.

[5] Assailing the impugned order, the learned State counsel notwithstanding myriad grounds in the memorandum of grounds of appeal predicated her campaign on one point and that one point is, the two writ petitioners did not disclose that they are petitioners in that earlier writ petition being, W.P. (C) No. 930 of 2019

[6] We carefully examined the case file in the light of the submissions made by the learned State counsel.

[7] We find that in order dated 30.01.2023 in W.P. (C) No. 930 of 2019, authored by the same Hon'ble Single Judge, the aforereferred point has been considered and the two respondents before us who are writ petitioners No. 6 & 12 (to be noted, Smt. Sapam Prava Devi is writ petitioner No. 6 and Laitonjam Nabadwip Singh is writ petitioner No. 12) have not been granted relief in the light of they having obtained relief *vide* the impugned order. This has been articulated by the Hon'ble Single Judge in paragraph 35 of the order dated 30.01.2023 in W.P. (C) No. 930 of 2019 and paragraph 35 reads as follows.

"35. In the instant case, nothing has been produced by the respondents to show that by playing fraud, the petitioners in W.P.(C) No.289 of 2021 have obtained orders in their favour. On the other hand, this Court, after a detailed discussion and upon considering the arguments put forth by the respective counsel, passed the order dated 7.6.2022. Therefore, it cannot be contended by the learned Government Advocate that the order dated 7.6.2022 was obtained by playing fraud. That apart, in the facts and circumstances of the case involved herein, the decision in the case of Ramesh Gandhi, supra, relied upon by the learned Government Advocate is not applicable to the case on hand."

[8] In the light of paragraph 35, we find that the burden of the song of the State counsel does not find favour with us and one other buttressing factor is, there is no disputation that the order dated 30.01.2023 in W.P. (C) No. 930 of 2019 has not been assailed by the State until today. If this be the case, similarly placed persons not being treated alike and we are reminded of the age old adage 'sauce to goose is sauce to gander too'.

If other similarly placed writ petitioners can have the benefit of the order, there is no reason as to why the two respondents before us should not be given the same benefit.

[9] Apropos, the sequitur is, captioned intra-court appeal fails and the captioned writ appeal is dismissed.

[10] Consequently, captioned Misc. Application also perishes with appeal and the same is also dismissed.

There shall be no order as to costs.

Sandeep

JUDGE

CHIEF JUSTICE