

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

MC [W.P. (C)] No. 144 of 2025

[Ref: W.P. (C) No. 76 of 2025]

Indira Sarangthem

Applicant

Vs.

Athokpam Herojit Singh & Ors.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

ORDER

28.04.2025

D. Krishnakumar, C.J. :

[1] Mr. M. Devananda, learned senior counsel assisted by Ms. N. Jyotsana, learned counsel, appears for the applicant/respondent No. 3 in the writ petition; Mr. BP Sahu, learned senior counsel, appears for the Central Agricultural University; and Mr. S. Biswajit, learned senior counsel assisted by Ms. Prista, learned counsel, appears for respondent No. 1 herein/the writ petitioner.

[2] The present application has been filed by the applicant/respondent No. 3, praying to modify the interim order dated 29.01.2025 passed in W.P. (C) No. 76 of 2025 and seeking for appropriate order in the application.

For clarity, interim order dated 29.01.2025 passed by this Court is extracted below:

"The learned senior counsel appearing for the respondents strongly objected for considering stay of the interim order and stated that the respondent No. 3 has taken charge as Dean of the said respondent Department. We are of the view that a prima facie case is made out and, therefore, there shall be an order of interim direction, by directing the third respondent not to take any policy decision or make any recruitment of the teaching/non-teaching staff in the aforesaid college till further order is passed by this Court, except for the day to day affairs of the college."

[3] Mr. M. Devananda, learned senior counsel for the applicant/respondent No. 3, drew the attention of this Court by relying upon Rule 19(iii) of the Central Agricultural University, Imphal Recruitment Rules (Teaching Employees), 2023, which states for age of retirement as follows:-

19. Age of retirement

- (i) Every teacher confirmed in the service of the University, shall continue in such service until he/she attains the age of superannuation as prescribed by the UGC/Govt. of India from time to time for Central Universities.*
- (ii) Provided further that if the date of Superannuation of a teacher falls at any time during the Academic Session, the Board of Management, may on the recommendation of the Vice-Chancellor re-employ the teacher for any period up to the end of the academic session, with a view not to disturb the teaching work of the Department/College.*
- (iii) In special cases, a teacher on his/her attaining the age of superannuation, may be re-employed on a contract in keeping with the regulations made by the University in this behalf or as issued by the UGC/Government of India from time to time.*

[4] Mr. M. Devananda, learned senior counsel, states that, under the Rule 19(iii) of the Central Agricultural University, Imphal Recruitment Rules (Teaching Employees) 2023, the applicant/respondent No. 3 was reemployed by the impugned proceeding dated 31.07.2024, wherein the applicant was re-employed to the post of Professor, Soil Science at College of Agriculture, CAU, Imphal, initially for a period of 6 months or until further order whichever is earlier with effect from 01.08.2024 or from the date of her joining to the post. She was entitled for remuneration as last drawn salary minus pension which should be fixed on consolidated basis for the re-employment period.

[5] At the time of admission when the interim order was passed by this Court, the applicant/respondent No. 3 has been taking charge as the Dean of the

university and therefore, aforesaid interim order has been passed. However, learned senior counsel appearing for the applicant/respondent No. 3 states that she is continuing as Professor, Soil Science in the University and therefore, he seeks some modification of the said order.

[6] Subsequently, learned senior counsel also place reliance upon the order dated 28.09.2024 issued by the Registrar, Central Agricultural University, re-employing the applicant/respondent No. 3 as Professor of Soil Science and the same is extracted hereinbelow:

OFFICE ORDER

Imphal, the 28th September, 2024

CAU/Reg/2536/PF/19/4138: In continuation of Office Order No: CAU/Reg/2536/PF/19/2460 dated 31/07/2024 and No: CAU/Reg/2536/PF/19/4021 dated 17/09/2024, and in compliance with the Hon'ble CAT Order dated 23/09/2024 under M.A. No: 107/2024 (Imphal), the Vice Chancellor, Central Agricultural University, Imphal, is pleased to re-employ Prof. Indira Sarangthem, Ex-Dean, College of Agriculture, Imphal, to the the post of Professor of Soil Science at the College of Agriculture, CAU, Imphal, for a period of six (6) months or until further orders, whichever is earlier, with effect from 01.08/2024.

Her remuneration will be paid as the last drawn salary minus pension, which should be fixed on a consolidated basis for the period of re-employment."

[7] Mr. S. Biswajit, learned senior counsel appearing for the writ petitioner/respondent No. 1, submits that the aforesaid order clearly states that the applicant/respondent No. 3 is re-employed to the post of Professor of Soil Science at the College of Agriculture, Central Agricultural University Imphal, on consolidated basis and therefore, she cannot have any legal right to take charge of the Dean of the University.

[8] In the order of re-employment itself, there is no specific mentioning of the provisions of the Ordinance that the applicant/respondent No. 3, the

aforesaid retired employee, subsequently re-employed on consolidated basis, is entitled to take charge of the Dean of the University. The respondent university also has not placed any relevant Regulation or Ordinance to re-employ the retired employee as in-charge Dean of the University.

[9] In such circumstances, we modify the interim order as follows:

The applicant/respondent No. 3 can continue as a Professor of Soil Science in the College of Agriculture, Central Agricultural University, Imphal, until her tenure as per order passed by the University or further order passed by this Court and she would be entitled for remuneration and other benefits as per Office Order dated 28.09.2024 issued by the Registrar, Central Agricultural University, Imphal.

It is made clear that the respondent University shall undertake the process for recruitment of the Dean of the University as expeditiously as possible.

[10] With the above observation, earlier interim order dated 29.01.2025 passed in W.P. (C) No. 76 of 2025 is modified and the instant application is disposed of.

Post the writ petition for final disposal on 28.05.2025.

JUDGE

Sandeep

CHIEF JUSTICE