

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

WP(C) No. 174 of 2025

Ingudam Chitrasen Meitei & ors.

... Petitioners

Vs.

Union of India & ors.

... Respondents

**B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

O R D E R

03-03-2025

Heard Mr. Kh. Tarunkumar, learned senior counsel assisted by Ms. Julekha Khan, learned counsel appearing for the petitioners.

Issue notice, returnable within four weeks.

Mr. Y. Paikhomba, learned counsel assisting Mr. Kh. Samarjit, learned DSGI entered appearance and accepts notice on behalf of all the respondents, hence no formal notice is called for.

With regard to the prayer for passing interim order, Mr. Kh. Tarunkumar, learned senior counsel submitted that in the Advertisement dated 13-12-2024 issued by the respondents, the following posts had been notified:-

- (i) Un-reserved – 5 posts
- (ii) OBC – 4 posts
- (iii) SC – 2 posts
- (iv) EWS – 1 post
- (v) ST – 1 post.

The learned senior counsel submitted that in total violation of the notified posts, the authorities have issued the impugned Select List of candidates dated 27-02-2025 wherein the following candidates have been selected:-

- (i) Un-reserved – 7 candidates as against 5 advertised posts
- (ii) SC – 2 candidates
- (iii) OBC – 4 candidates

The learned senior counsel strenuously submitted that as against 5 (five) advertised posts earmarked for Un-reserved candidates, the authorities have selected 7 (seven) candidates which is in excess of two. It has also been submitted that no candidates has been selected for the posts reserved for ST and for the post earmarked for the candidates belonging to Economically Weaker Sections. The learned senior counsel submitted that the said selection is in total contravention of the Advertisement notified earlier by the authorities and as such, the impugned list of selected candidates deserves to be suspended during the pendency of this writ petition. In support of his submission, the learned senior counsel cited the judgment rendered by the Hon'ble Apex Court in the case of **"Kulwinder Pal Singh & anr. Vs. State of Punjab & ors."** reported in (2016) 6 SCC 532 wherein it has been held as under:-

"15. By perusal of Section 7, it appears that as a general rule there is a bar on dereservation of the post reserved for Scheduled Caste candidates. However, sub-section (2) provides an exception to this general rule by laying down that in the public interest the authorities may be passing an order in writing dereserve the seats reserved for candidates belonging to Scheduled Castes category. After insertion of clause (4-B) in Article 16 of the Constitution vide the Eighty-first (Amendment) Act, 2000, dereservation could not have been done. Under Article 16(4-B) of the Constitution of India, unfilled vacancies reserved for the Scheduled Castes or Scheduled Tribes candidates are to be carried forward independent of ceiling of reservation of fifty per cent. The seats reserved for Scheduled Castes and Scheduled Tribes categories are to be filled only by specified category. Therefore, the High Court was right in finding fault with the dereservation of the seven posts which were filled by the candidates belonging to general category and we do not find any reason warranting interference."

When this court raised a query to the learned senior counsel as to non-impleadment of those selected candidates in the present writ petition, the learned senior counsel cited the judgment rendered by the

Hon'ble Apex Court dated 10-02-2025 in Civil Appeal No(s) 13950-13951 of 2024 (arising out of SLP (Civil) No(s). 6120-6121 of 2023) **“Amrit Yadav Vs. State of Jharkhand & ors.”** wherein the Hon'ble Apex Court held that when the advertisement itself is void and has been declared illegal and unconstitutional, there is no need to comply with the principle of natural justice and non-impleadment of the selected candidates will not be fatal. Relying on the said judgment, the learned senior counsel submitted that the present writ petition can be heard without impleading those selected candidates who are likely to be affected.

Per contra, the learned DSGI submitted that the authorities have not violated the provisions of the relevant laws providing quota for reservations. In this regard, the learned DSGI draw the attention of this court to the Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019 wherein under Section 3 of the said Act, it is, inter alia, provided as under:-

“3(1) Notwithstanding anything in any other law for the time being in force, there shall be reservation of posts in direct recruitment out of the sanctioned strength in teachers' cadre in a Central Educational Institution to the extent and in the manner as may be specified by the Central Government by notification in the Official Gazette.

(2) For the purpose of reservation of posts, a Central Educational Institution shall be regarded as one unit.”

The learned DSGI further submitted that pursuant to the provisions of Section 3 sub-section 1 of the said Act, the Ministry of Human Resource Development (Department of Higher Education) issued a Notification dated 12-07-2019 wherein the following quota for reservation are provided as under:-

- “ (a) fifteen per cent for Scheduled Castes;
- (b) seven and one-half per cent for Scheduled Tribes;
- (c) twenty-seven per cent for socially and educationally backward classes; and
- (d) ten per cent for economically weaker sections.”

Relying on the provisions of the said Act under Section 3 as well as the Notification providing the quota for reservation, it has been submitted by the learned DSGI that while calculating the quota to be reserved for candidates belonging to SC, ST and OBC, the percentage, reserved for economically weaker section should not be included inasmuch as, the said quota will be adjusted not vertically but horizontally. The submission of the learned DSGI that the total quota to be reserved comes to only 49.5 per cent which is less than 50 per cent and under the act and rules, some fraction of deviation is permissible and accordingly, the authorities has earmarked 11 posts for Un-reserved candidates out of 20 posts in the cadre strength by adjusting 1 post from the OBC quota. It has been submitted that after such calculation, the authorities have issued the Advertisement dated 13-12-2025 earmarking the number of posts reserved for each category of candidates.

The learned DSGI further submitted that out of 20 cadre strength of Assistant Professor Grade – II (Level 10), 6 (six) posts were originally held by Un-reserved candidates and out of the said 6 candidates, two have already been upgraded to the higher level of Assistant Professor Grade – II (Level 11). Resultantly, two vacancy arose against the quota earmarked for Un-reserved candidate during the process of selection. In view of the availability of two more vacant posts earmarked for Un-reserved candidates, the authorities have selected and recommended 7 (seven) Un-reserved candidates as against 5 (five) advertised posts, however, the authorities have not violated any quota earmarked for each candidates. The learned DSGI further submitted that so far as the posts earmarked for ST candidates and EWS are concerned, as no suitable candidates were found, the authorities did not recommend any candidate and that two posts are still lying vacant and the authorities will issue separate notification for appointment against the said two posts. The whole submission of the learned DSGI is that the authorities have not violated any quota rules as alleged by the present petitioners. The learned DSGI submitted that at this juncture, no interim order is called for.

I have heard at length the submissions advanced by the learned senior counsel appearing for the parties and on consideration of the merit of the rival submissions of the learned senior counsel, this court is of the considered view that the petitioners have failed to make out a prima facie case at this juncture for passing an interim order. Accordingly, the prayer for passing interim order is hereby rejected. However, the petitioners are given liberty to raise the prayer for passing interim order after filing of the counter affidavit of the respondents, if so advised.

As prayed for, list this case again on 02-04-2025.

JUDGE

Devananda

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MC(WP(C)) No. 168 of 2025

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In view of the order passed today in the main writ petition,
the present application stands rejected.

JUDGE

Devananda