

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

W.A. No. 11 of 2025

Ingudam Chitrasen Meitei & 14 Ors.

... Appellants

- Versus -

Union of India & 3 Ors.

... Respondents

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU

O R D E R

11.03.2025

[D. Krishnakumar, CJ]

[1] Heard Mr. Kh. Tarunkumar, learned senior counsel assisted by Mr. Jamon, learned counsel appearing for the appellants and Mr. Kh. Samarjit, learned DSGI, assisted by Mr. Nongdamba, learned counsel appearing for the respondents.

[2] With the consent of both parties, the present writ appeal is taken up for disposal.

[3] The present writ appeal has been filed challenging the order dated 03.03.2025 passed by the Ld. Single Judge in W.P.(C) No. 174 of 2025.

[4] According to the learned senior counsel appearing for the appellants, the present writ appeal has been filed for quashing the aforesaid impugned order dated 03.03.2025. The appellants have also filed application for interim stay. The

aforesaid application has been taken up for hearing and the said application was considered, but rejected vide order dated 03.03.2025.

[5] According to the learned senior counsel appearing for the appellants, a notification has been issued for inviting applications for appointment for the post of Assistant Professor, Grade – II, Level – 10. Pursuant to the notification of said post, the appellants submitted application.

It is the contention of the learned counsel appearing for the appellants that the respondent authority has invited advertisement to fill up the vacancies under the unreserved quota and 5 (five) posts were earmarked to be filled up for appointment to the post of Assistant Professor, Grade – II, Level – 10. However, contrary to the notification, the respondents herein have recommended 7 (seven) candidates to fill up the said vacancies. Therefore, the said recommendation made by the recruitment authority is contrary to the notification; hence, challenging before the Writ Court, to set aside the impugned order dated 03.03.2025. But, the Ld. Single Judge has not considered and rejected the claim of the petitioner. Therefore, he seeks for setting aside of the impugned order passed by the Ld. Single Judge.

[6] The learned DSGI appearing for the respondents has strongly objected stating that pursuant to the interim order passed by the Ld. Single Judge, dated 03.03.2025 and pursuant to the aforesaid order, the respondents authority selected 7 (seven) candidates to be filled up under the unreserved quota. The respondent authority issued posting orders for the 7(seven) candidates to be filled under the unreserved quota.

Subsequently, it has been informed this Court that there is an instruction that out of 7 (seven) candidates, 6 (six) candidates joined to the Department except 1(one) candidate namely, Samiran Roy who had been issued appointment order for the post of Assistant Professor, Grade – II, Level – 10 in the Department of Physics. According to the learned DSGI appearing for the respondent, the aforesaid candidate namely, Samiran Roy is going to join in the Physics Department today.

[7] Therefore, in the light of the submission made by the respondent, it is clear that there is still 1 (one) candidate who has not joined in the Physics Department. In the facts and circumstances of the case, we are of the view that when the learned senior counsel appearing for the appellant has filed writ petition challenging the notification for excess appointment made by the authority which is illegal and violation of the notification issued by the respondent authority, this issue will be decided at the time of hearing by the Writ Court.

[8] The learned senior counsel appearing for the appellant relies on the decisions of Hon'ble Supreme Court (i) Amrit Yadav –v- The State of Jharkhan & Ors. [Civil Appeal No(s). 13950-13951 of 2024] Para No. 32 and (ii) (2018) 7 SCC 260 Para No. 7. Considering the submission made by the learned DSGI appearing for the respondent, the aforesaid candidate namely, Samiran Roy who has not joined in the Physics Department, we are inclined to grant an interim order that the respondent shall restrain the candidate Samiran Roy from joining in the Physics Department till the disposal of the writ petition pending before the Writ Court. In the meantime, the appellant is to take necessary step to file an appropriate

application before the Writ Court for impleading necessary party in the writ petition. We request the Writ Court to consider and dispose of the writ petition within a specific period of 2(two) months' time from the date of receipt of a copy of this order.

[9] This Court has expressed nothing on the merit of the case. The Writ Court will decide on the merit of the case. A copy of this order be furnished to both parties during the course of the day.

[10] In the light of the above, the impugned order is liable to be set aside and the present writ appeal is allowed.

JUDGE

CHIEF JUSTICE

Bipin