

IN THE HIGHCOURT OF MANIPUR

AT IMPHAL

WP(C) No. 439 of 2019

- 1.** Ph. Pramoshakhi Devi, aged about 34 years old, D/o Ph. Haribabu Sharma, a resident of Dibong Khunou, Jiribam, Jiribam District, Manipur Pin Code-795116.
- 2.** Ngangbam Kunjakisor Singh, aged about 26 years old, S/o Ng. Kamaljit Singh, resident of Kalinagar Part-III, Jiribam, P.O. & P.S. Jiribam, Jiribam District, Pin Code-795116, Manipur.

Petitioners

-Versus-

- 1.** The State of Manipur through the Principal Secretary/Commissioner/Secretary (University and Higher Education), Government of Manipur, Secretariat Block, P.O. & P.S. Imphal, Imphal, Manipur-795001.
- 2.** The Director, University and Higher Education, Government of Manipur, Governor Road, Imphal-795001.
- 3.** The Manipur Public Service Commission through the Secretary, MPSC, North AOC, Imphal, Manipur, Imphal-795001.
- 4.** The Principal, Jiri College, Government of Manipur, Kadamtala, Jiribam-795116, Manipur.
- 5.** Shri Oinam Chaoba Singh, aged about 46 years old, S/o O. Rajen Singh, a resident of Kalinagar Ward No. 2 Jiribam, Manipur presently functioning as Assistant Professor/ Lecturer of Political Science in Jiri College, Government of Manipur, Kadamtala, Jiribam-795116, Manipur.
- 6.** Shri Haobam Joyotush Kumar Presently functioning as Assistant Professor/Lecturer of History in Jiri College, Government of Manipur, Kadamtala, Jiribam-795116, Manipur.

... Respondents

With

WP (C) No. 258 of 2020

1. Ph. Pramoshakhi Devi, aged about 34 years old, D/o Ph. Haribabu Sharma, a permanent resident of Dibong Khunou, Jiribam, P.O. & P.S. Jiribam, Jiribam District, Manipur State-795116.
2. Ngangbam Kunjakisor Singh, aged about 26 years old, S/o Ng. Kamaljit Singh, a permanent resident of Kalingar Part-III, Jiribam, P.O. & P.S. Jiribam, Jiribam District, Manipur State-795116.

... Petitioners

-Versus-

1. The State of Manipur through its Principal Secretary/Commissioner/Secretary (University and Higher Education), Government of Manipur, Secretariat Block, P.O. & P.S. Imphal, Imphal, Manipur-795001.
2. The Director, University and Higher Education, Government of Manipur, Governor Road, Imphal-795001.
3. The Manipur Public Service Commission through the Secretary, MPSC, North AOC, Imphal, Manipur -795001.
4. The Principal, Jiri College, Government of Manipur, Kadamtala, Jiribam, Manipur -795116.
5. Shri Oinam Chaoba Singh, aged about 46 years old, S/o O. Rajen Singh, a resident of Kalinagar Ward No. 2 Jiribam, Manipur presently functioning as Assistant Professor/Lecturer of Political Science in Jiri College, Government of Manipur, Kadamtala, Jiribam, Manipur -795116.
6. Shri Haobam Joyotush Kumar Presently functioning as Assistant Professor/Lecturer of History in Jiri College, Government of Manipur, Kadamtala, Jiribam, Manipur-795116.

... Respondents

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

For the petitioners	:: Mr. HS Paonam, Sr. Advocate assisted by Ms. Lekhakumari, Advocate.
For the respondents	:: Mr. Y. Ashang, GA, Ms. Sirawon Newmai, Advocate, Mr. K. Modhusudon, Advocate and Mr. N. Ibotombi, Sr. Advocate assisted by Mrs. N. Savitri, Advocate.
Date of hearing	:: 06.05.2025.
Date of judgment	:: 08.07.2025

JUDGMENT

[1] Heard Mr. HS Paonam, learned senior counsel assisted by Ms. Lekhakumari, learned counsel appearing for the petitioners, Mr. Y. Ashang, learned GA appearing for the respondents No. 1, 2 & 4, Ms. Sirawon Newmai, learned counsel appearing for the respondent No.3, Mr. K. Modhusudon, learned counsel appearing for the respondent No. 5 and Mr. N. Ibotombi, learned senior counsel assisted by Mrs. N. Savitri, learned counsel appearing for the respondent No. 6.

WP (C) No. 439 of 2019 had been filed by the petitioners with a prayer for quashing and setting aside the impugned order dated 20.04.2019 issued by the Secretariat: Higher & Technical Education Department, Government of Manipur rejecting their claim for appointment as Assistant Professor in Political Science and Assistant Professor in History in the erstwhile Jiri Aided College, Jiribam as well as the order dated 07.03.2019 issued by the Secretariat: Higher & Technical Education Department appointing 97 (ninety seven)

employees, including the respondents No. 5 & 6, of the erstwhile Aided Jiri College, Jiribam into Government service.

WP (C) No. 258 of 2020 had been filed with a prayer for quashing and setting aside the impugned order dated 27.05.2020 issued by the Secretariat: Higher & Technical Education Department, Government of Manipur allowing the respondents No. 5 & 6 to hold the posts of Lecturer of Political Science and History respectively in the Jiri College under the Government of Manipur, couple with a prayer for issuing directions for considering the case of the petitioners for appointment as Assistant Professor of Political Science and History respectively in the said Jiri College and to initiate process for their absorption as Assistant Professors in the said Jiri College under the Government of Manipur consequent upon the taking over of the said College by the State Government.

[2] The brief facts of the present cases are that prior to 08.12.2016, Jiri College, Jiribam was a Government Aided College. As per resolution No. 3 of the meeting of the Governing Body, Jiri College, Jiribam held on 31.08.2016, the Chairman of the said Governing Body was pleased to appoint the respondents No. 5 & 6 as Assistant Professor in Political Science and History in the said Aided College on temporary basis, vide order dated 31.08.2016 issued by the Secretary, Governing Body, Jiri College, Kadamtala, Jiribam, Manipur. Subsequently, by an order dated 08.12.2016 issued by the Commissioner (Hr. & Tech. Edn.), Government of Manipur, the

Governor was pleased to accord sanction to the taking over of Jiri (Govt. Aided) College, Jiribam along with 40 (forty) number of approved teaching staff, 27 (twenty-seven) number of un-approved teaching staff, including the respondents No. 5 & 6, 18 (eighteen) number of approved non-teaching staff and 14 (fourteen) number of un-approved non-teaching staff in different categories of posts by the Government in public interest under the terms and conditions mentioned in the said order.

[3] The petitioners, who claimed to have submitted 2 separate applications dated 16.06.2016 & 28.10.2016 respectively to the President and the Chairman of the Governing Body of the Jiri College, Jiribam, filed 2 (two) separate writ petitions registered as WP (C) No. 219 of 2017 and WP (C) No. 788 of 2017 in this Court with a prayer for quashing and setting aside the order dated 08.12.2016 issued by the State Government in respect of inclusion of the respondents No. 5 & 6 as Assistant Professors of Political Science and History in Jiri College as well as for issuing a direction to consider the case of the petitioners for their appointment as Assistant Professor of Political Science and History in Government Aided Jiri College and consequently for initiating process for their absorption as Assistant Professors in the Jiri College consequent upon taken over of the said College by the Government.

[4] WP (C) No. 788 of 2017 was disposed of by an order dated 03.08.2018 passed by this Court. The operative portions of the said order are reproduced herein-under for ready reference:-

"In that view of the matter, if the private respondent No. 5 could not be converted to a regular employee because of his overage, the petitioners could be considered for regular appointment in his place as the petitioner is teaching in the same Department of Political Science in the same College and the petitioner is otherwise eligible in all respects.

In that view of the matter, the present petition is disposed of with the direction to the official respondents to examine the claim of the petitioner for regular appointment as Assistant Professor/Lecturer of Political Science in the Jiri College (Aided), Jiribam in the event, the respondent No. 5 is not found eligible for appointment in the said college. Accordingly, the petitioner may file a detailed representation in this regard with supporting documents which shall be disposed of by the authorities within a period of 3 (three) months from today and intimate the result thereof to the petitioner."

WP(C) No. 219 of 2017 was also disposed of by an order dated 12.10.2018 passed by this Court. The operative portion of the said order is as under:-

"During the course of hearing, the learned counsel appearing for the petitioner submits that the instant writ petition can be disposed of in terms of the order dated 03.08.2018 passed by this Court in WP (C) No. 788 of 2017. On perusal of the said order dated 03.08.2018, it is seen that the facts of the present case are identical to that of the case in WP (C) No. 788 of 2017 and accordingly, the instant writ petition stands disposed of with the direction that the official respondents shall examine the claim of the petitioner for regular appointment as Assistant Professor of History in the Jiri College, Jiri in the event respondent No. 5 not being found eligible for appointment in the said college, for which the petitioner may file a detailed representation in this regard with supporting documents which shall be disposed of by the authorities within 3 (three) months from today."

[5] In compliance with the direction given by this Court in the aforesaid 2 writ petitions as quoted herein above, the petitioners submitted 2 (two) separate representations dated 24.08.2018 and 02.11.2018 to the concerned authorities of the State Government requesting for taking appropriate action in terms of the aforesaid 2 (two) orders dated 03.08.2018 passed in WP (C) No. 788 of 2017 and order dated 12.10.2018 passed in WP (C) No. 219 of 2017 for redressing the grievances of the petitioners and to consider for their appointment as regular Assistant Professor in Jiri College.

[6] While the aforesaid 2 representations submitted by the petitioners were pending for consideration by the authorities, the State Government issued another order dated 07.03.2019 by which 97 (ninety seven) employees of the erstwhile Aided Jiri College, Jiribam, including the respondents No. 5 & 6, were appointed into Government service with effect from 22.09.2018 subject to the condition that their final absorption into respective grades of the concerned Government posts would be made in accordance with the recommendation of the Manipur Public Service Commission (M.P.S.C.), Imphal pertaining to the suitability of their appointments, service conditions and inter-seniority in the concerned grades. Subsequently, after considering the representations submitted by the petitioners, the Commissioner (Hr. & Tech. Edn.), Government of Manipur issued 2 separate orders both date 20.04.2019 rejecting the representations submitted by the petitioners.

Having been aggrieved the petitioners filed WP (C) No. 439 of 2019 before this Court challenging the aforesaid order dated 07.03.2019 appointing the petitioners and others into Government service as well as the 2 orders dated 20.04.2019 issued by the Commissioner (Hr. & Tech. Edn.), Government of Manipur, rejecting the representations submitted by the petitioners.

[7] While the aforesaid WP (C) No. 435 of 2019 was pending before this Court, the Secretariat: Higher & Technical Education Department, Government of Manipur issued another order dated 27.05.2020 ordering, interalia, for creation 71 (seventy-one) numbers of supernumerary posts of Lecturers and allowing the unqualified teachers, including the respondents No. 5 & 6 to be adjusted against the said posts and for their upgradation to the post of Assistant Professor after acquiring the requisite educational qualifications for the post of Assistant Professor and thereafter, to abolish the posts of lecturers held by them.

The present petitioners also challenged the said order dated 27.05.2020 by filing WP (C) No. 258 of 2020.

[8] The case of the petitioners is that the respondent No. 5, who obtained the master's degree from Indira Gandhi National Open University on correspondence course and who was overage, was appointed as Assistant Professor of Political Science in the erstwhile Aided Jiri College without considering the case of the petitioner No. 1 and that the respondent No. 6, who passed class-X and Class-XII in 3rd

division and graduation in simple pass without opting for History subject and who obtained the master's degree from a correspondence course, had been given appointment as Assistant Professor of History in the erstwhile Aided Jiri College without considering the case of the petitioner No. 2. It is also the case of the petitioners that the names of the private respondents No. 5 & 6 have also been included arbitrarily and illegally as Assistant Professors of Political Science and History despite having not possess the essential qualification and age bar while taking over the erstwhile Aided Jiri College by the Government as a Government College.

[9] It has been submitted by Mr. HS Paonam, learned senior counsel appearing for the petitioners that in the orders dated 03.08.2018 and 12.10.2018 passed by this Court in WP (C) No. 788 of 2017 and WP (C) No. 219 of 2017 respectively, 2 (two) specific directions were given. In the first direction, the official respondents were directed to examine the claim of the petitioners for regular appointment as Assistant Professor/Lecturer of political science and history in Jiri College (Aided), Jiribam in the event, the respondents No 5 & 6 are not found eligible for appointment in the said College. In the second direction, the petitioners were directed to file detailed representations with supporting documents for their appointment as Assistant Professors in Jiri College (Aided) which shall be disposed of by the authorities within a period of 3 months and to intimate the result thereof to the petitioners.

[10] According to Mr. HS Paonam, learned senior counsel, in view of the clear cut directions given by this Court, the State Government was bound to take up the exercise in the following chronological manner:-

- (a) The state Government must examine whether the respondents No. 5 & 6 are eligible in terms of the relevant Recruitment Rules of the Government as well as Manipur Education Code of 1982 for appointment as teaching staff of either the Government Aided College or the Government College;
- (b) If the respondents No. 5 & 6 are found eligible in terms of the relevant Recruitment Rules of the Government as well as Manipur Education Code of 1982, they shall be considered for absorption in Jiri College, Jiribam in accordance with law;
- (c) If the respondents No. 5 & 6 are not found eligible in terms of the relevant recruitment rules of the Government as well as Manipur Education Code of 1982, their absorption as teaching staff in Jiri College, Jiribam is liable to be rejected and the claim of the petitioners ought to be considered in their place for appointment/absorption as teaching staff in Jiri College, Jiribam in accordance with law.

[11] The learned senior counsel strenuously submitted that the authorities of the State Government never considered as to whether the respondents No. 5 & 6 are eligible or qualified for their appointment as Assistant Professors in Political Science and History in the erstwhile Aided Jiri College and subsequent absorption into Government Service as Assistant Professors/Lecturers of Government College in terms of the Relevant Rules as directed by this Court and straight away rejected the representations submitted by the petitioners requesting for their appointment as Assistant Professors in Jiri College only on the ground that they have no locus standi. According to the learned senior counsel the action of the State authorities are arbitrary and in contravention of the direction given by this Court and as such, the impugned orders are liable to be quashed and set aside and the petitioners are entitled to have their cases reconsidered again by the authorities for their appointment as Assistant Professors/Lecturers in Jiri College, Jiribam.

[12] The case of the respondents are as under:-

- (a)The respondents No. 5 & 6 were appointed as Assistant Professors in Political Science and History respectively in the Govt. Aided Jiri College, Jiribam by the Competent Authority, i.e., the Governing Body of the said Aided College after following due process and strictly in accordance with relevant Rules.

- (b)The petitioners were never appointed as Assistant Professor in the Aided Jiri College and in fact the petitioner No. 2 submitted an application only on 28.10.2016 for his appointment as Assistant Professor in the Department of History in the Aided Jiri College long after the respondent No. 6 had been appointed as Assistant Professor in History in the said College. The respondents also question the genuineness of the applications submitted by both the petitioners.
- (c)At the time of their initial appointment as Assistant Professors in Political Science and History in the Aided Jiri College, the respondents No. 5 & 6 were eligible and qualified for such appointment as provided under Rule 6 (ii) of the Manipur Aided College Employees'(Service) Rules, 1974 and that there is no question of any age bar as no maximum age limit is prescribed under the said Rule;
- (d)The petitioners never question or challenge the orders dated 31.08.2016 issued by the Secretary, Governing Body, Jiri College, appointing the respondents No. 5 & 6 as Assistant Professors in Political Science and History and as such, they cannot press the issue of eligibility of the respondents No. 5 & 6 for their appointment as Assistant Professors in the Jiri College in the present writ petition;
- (e)At the time of taking over of Government Aided Jiri College by the Government, it has been specifically mentioned in the order dated 08.12.2016 that only specific number of teaching

and non-teaching staff serving in the said College will be taken over into Government service. As the petitioners were never appointed as teaching staff of the Government Aided Jiri College and as their names were not included among the list of teaching staff of the said College, the petitioners have no locus standi for claiming for their appointment as Assistant Professors of the said College;

(f) At the time of passing the order dated 03.08.2018 in WP (C) No. 788 of 2017, the petitioner misled this Court by stating that the petitioners were serving in the Jiri College and on the basis of such misleading statement this Court issued a direction to the official respondents to examine the claim of the petitioner for **regular** appointment as Assistant Professor/Lecturer in Jiri College (Aided), Jiribam in the event the respondents are not found eligible for appointment in the said College. According to the respondents the petitioners have no right or locus standi to claim for their regular appointment as Assistant Professor in Political Science and History in Jiri College as they were never appointed or served as such in the Government Aided Jiri College at any point of time.

(g) Under the proviso to Rule 5 of the Manipur Civil Service (appointment and other conditions of employees of Government Aided/private institutions taken over by the Government) Rule, 1981, it is provided that such employees

as declared unsuitable for absorption in the grade/post for which he/she was considered shall be absorbed in the next level grade/post to be created by the Government as a special case consequent on the take over of the Government Aided/Private Institutions by the Government if no such post exists and also that such employee shall continue to hold the post so created till his/her retirement and also that such post shall be deemed to have been abolished on his/her retirement.

Under Rule 9 of the aforesaid rule, it is provided that the provisions of the said Rules shall have effect notwithstanding anything to the contrary in any/ orders/ notifications/ instructions issued by the Government in this regard.

It is the case of the respondents that the order dated 27.05.2020 impugned by the petitioners in WP (C) No. 258 of 2020 had been issued by the authorities in exercise of the aforesaid power and as such, no illegalities have been committed by the authorities in issuing the impugned orders.

(h) It has been lastly submitted on behalf of the respondents that as the petitioners were never appointed or served as a teaching staff of the Government Aided Jiri college at any point of time, they have no right or locus standi to question or challenge the orders impugned in the present writ petitions and as such, the present writ petitions are liable to be dismissed as being devoid of merit.

[13] I have heard at length the submissions advanced by the learned counsel appearing for the parties and also carefully examined all the materials available on record. In the present case, it is an undisputed and admitted position of fact that the respondents No. 5 & 6 were appointed as Assistant Professors in Political Science and History in the erstwhile Government Aided Jiri College by the competent authorities strictly in terms of applicable Rules and that the petitioners never challenge the appointment orders of the respondents No. 5 & 6. Since the appointment orders of the respondents No. 5 & 6 as Assistant Professors in Political Science and History in the erstwhile Government Aided Jiri College are not challenged by the petitioners in the present writ petitions, this Court is of the considered view that it will not be just and proper to examine the legality or validity of the said appointment orders in the present proceedings.

[14] So far as the contention raised by the petitioners with regard to the eligibility and age bar of the respondents No. 5 & 6 for their appointment as Assistant Professors in the Government Aided Jiri College is concerned, it is to be noted that under Rule 6 of the Manipur Aided College Employees' (Service) Rules, 1974, which governs the field, the academic and other qualifications for appointment of Senior Lecturer/Lecturer in an Aided College are as under:-

"6(ii) Senior Lecturer/Lecturer:- A candidate shall hold at least second class Master's Degree in the subject concerned, preferably with Honours in the subject in the first degree. A senior lecturer shall also possess the minimum teaching experience prescribed for the post in the grant-in-aid rules."

[16]

Under the said rule no maximum age limit is prescribed for appointment as Senior Lecturer/Lecturer/Assistant Professor. On examination of the educational qualifications and experiences possess by the respondents No. 5 & 6, which are found on record, this Court is of the considered view that the contention raised by the petitioners that the respondents No. 5 & 6 are not eligible and over age for appointment as Assistant Professor in the Government Aided Jiri College is without substance and merit and accordingly, this Court is not inclined to interfere with any of the orders impugned in the present writ petition on the ground raised by the petitioners.

[15] In the order dated 03.08.2018 passed by this Court in WP (C) No. 788 of 2017, it has been clearly recorded that if the private respondent No. 5 could not be converted to a regular employee because of his over age, the petitioner could be considered for regular appointment in his place as the petitioner is teaching in the same Department of political science in the same College and thereafter, this Court directed the official respondents to examine the claim of the petitioners for regular appointment as Assistant Professor/ Lecturer of Political Science in the Jiri College (Aided) Jiribam in the event, the respondent No. 5 is not found eligible for appointment in the said College.

[16] On perusal of the said order, this Court is of the considered view that there is some substance in the submission raised by the respondents that while passing the said order, the petitioners

concealed from this Court the fact that the petitioners never serve or were never appointed as teaching staff of the said Jiri College at any point of time, in order to obtain a favourable order.

In any case, in the said order dated 03.08.2018 passed in WP (C) No. 788 of 2017 and order dated 12.10.2018 passed in WP (C) No. 219 of 2017, this Court never gave direction to the authorities to consider as to whether the respondents No. 5 & 6 were eligible for their appointment as Assistant Professors at the time of their initial appointment on 31.08.2016 in the erstwhile Government Aided Jiri College. Accordingly, this Court finds no substance or merit in the submission advanced by the learned senior counsel appearing for the petitioners that the authorities did not consider the eligibility of the respondents No. 5 & 6 for their appointment as Assistant Professors in the erstwhile Government Aided Jiri College and issued the impugned orders in contravention of the direction given by this Court in the aforesaid orders dated 03.08.2018 passed in WP (C) No. 788 of 2017 and order dated 12.10.2018 passed in WP (C) No. 219 of 2017.

[17] The only direction given by this Court in the aforesaid 2 writ petitions is to examine the claim of the petitioners for regular appointment as Assistant Professor/Lecturer of Political Science in the Jiri College in the event, the respondents No. 5 & 6 are not found eligible for appointment in the said college. In my considered view, this direction has been duly complied with by the authorities by considering the claim of the petitioners as raised in their representations and

rejecting the same on the ground that the petitioners have no locus standi or right to claim for such appointment by taking into consideration the fact that they were never appointed as teaching staff of the erstwhile Aided Jiri College. This Court also finds merit and force in the submission advanced by the respondents that as the petitioners were never appointed as teaching staff of the erstwhile Government Aided Jiri College, they have no right or locus standi to challenge the orders issued by the Government appointing the respondents No. 5 & 6 into Government service and allowing them to continue as Lecturers as permissible by law. Accordingly, this Court is not inclined to interfere with any of the orders impugned in the present writ petitions and to grant the relief sought for by the petitioners in the present writ petitions. In the result, the present writ petitions are hereby dismissed as being devoid of merit, however, without any order as to costs.

Interim order passed earlier stands vacated.

JUDGE

FR/NFR

Sapana