

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

WP(C) No. 418 of 2025

1. Teachers' Association J.N. Institute of Medical Sciences, Imphal, having its office at JNIMS Complex, P.O. & P.S. Porompat, Imphal East District, represented by its General Secretary.
2. Dr. Ningthoujam Kumarjit Singh, aged about 62 years, S/o N. Iboton Singh, an Assistant Professor in the Department of ENT, JNIMS, a resident of Bamon Leikai Mangemakhong, P.O. & P.S. Porompat, Imphal East District, Manipur – 795005.

... Petitioners

-Versus-

1. The State of Manipur through the Commissioner, Health & Family Welfare, Government of Manipur, New Secretariat North Block, P.O. & P.S. Imphal, Imphal West District, Manipur Pin - 795001.
2. The Jawaharlal Nehru Institute of Medical Sciences, Porompat, through its Director, P.O. & P.S. Porompat, Imphal East District, Manipur – 795005.

...Respondents

**BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

**JUDGMENT & ORDER
(ORAL)**

11.09.2025

[1] Heard Mr. N. Ibotombi, learned senior counsel assisted by Mr. Th. Ningtamba, learned counsel, appearing for the petitioners; and Mrs. L. Monomala, learned G.A. appearing for the respondents.

[2] The present writ petition has been filed with a prayer for directing the respondents to finalize the Inter-se-Seniority List of the Assistant Professors and Associate Professors of the Jawaharlal Nehru Institute of Medical Sciences (JNIMS), Imphal within a stipulated period and also to direct the respondents to promote the eligible Assistant Professors to the post of Associate Professors and to promote the eligible Associate Professors to the post of Professors under the Time Scale Promotion Scheme for the Teachers of J.N. Institute of Medical Sciences Rules, 2020 on the basis of the Final Seniority List within a stipulated time without applying the National Medical Commission Rules.

[3] The case of the petitioners is that many of the teaching faculties serving in the JNIMS in the capacity of Assistant Professor and Associate Professor have rendered regular service for a long time without getting any promotion to the higher post. It is the case of the petitioners that the petitioner No. 2 was appointed as Assistant Professor in the Department of ENT, JNIMS on 19.02.2013 and he has not been given any promotion to the post of Associate Professor despite rendering service for more than a decade.

[4] It has also been submitted on behalf of the petitioners that many of the faculties of JNIMS, who are members of the petitioner No. 1, are on the verge of retirement without availing any promotional opportunity since the date of their initial appointment.

[5] To remove discontentment and frustration on the parts of the Teachers of JNIMS due to lack of opportunities for promotion to the higher grade in normal courses and to create their career advancement path, the authorities framed the rules called The Time Scale Promotion Scheme for

Teachers of J.N. Institute of Medical Sciences, Rules, 2020
(Rules of 2020).

[6] Under Rule 4(b) of the Rules of 2020, it is provided that promotion under the said rules shall be given on the basis of a common eligibility list as on 1st of February of the vacancy year and for the purpose of the said scheme, an Inter-se-Seniority List should be notified.

[7] It has been stated on behalf of the petitioners that Rule 5(A) of the said Rules of 2020, deals with promotion of Associate Professor to the higher post of Professor and the same is reproduced hereunder for ready reference:-

"5(A) From Associate Professor to Professor:

- (i) For promotion from regular Associate Professor to Professor, the appointing Authority shall upgrade 22% of total regular posts of Associate Professor to the grade of Professor.*
- (ii) Requirement of research publications, number of years of service in Associate Professor etc. shall be strictly be as per Medical Council of India regulations as amended from time to time.*
- (iii) Promoted officers shall be placed en-block to those who are already holding the post of Professor on regular basis.*
- (iv) Such officers carrying personal promotion shall be subsequently adjusted against identified specific post in their own speciality on*

availability of clear vacancies on the recommendation of a duly constituted DPC."

[8] Rules 5(B) deals with the promotion of Assistant Professor to the higher post of Associate Professor and the same is reproduced hereunder for ready reference:-

"5(B) From Assistant Professor to Associate Professor:-

- (i) For promotion from regular Assistant Professor to Associate Professor, the requirement of research publications, number of year of service in Assistant Professor etc. shall be strictly as per Medical Council of India regulations as amended from time to time.*
- (ii) Promoted officers shall be placed en-block junior to those who are already holding the post of Associate Professor on regular basis.*
- (iii) Provided that such officers carrying personal promotion shall be subsequently adjusted against identified specific post in their own speciality on availability of clear vacancies on the recommendation of a duly constituted DPC.*
- (iv) Provided that the total number of Associate Professors in position shall not exceed the total number of Assistant Professors in positions."*

[9] It is also the case of the petitioners that as the authorities failed to finalize and notify the Inter-se-Seniority List of the Faculty Members of JNIMS who are serving as Assistant Professors and Associate Professors, the process for

considering the cases of the eligible faculty members for their promotion to the higher post has not been initiated thereby depriving the legitimate rights of the faculty members for availing promotion to the higher post as provided under the aforesaid Rules of 2020.

[10] Mr. N. Ibotombi, learned senior counsel appearing for the petitioners, submitted that the authorities have already initiated the process for finalization of the Inter-se-Seniority List of the Faculty Members of JNIMS who are serving in the capacity of Assistant Professors and Associate Professors. In this regard, the learned senior counsel, submitted that for the purpose of fixation of the Inter-se-Seniority List, the Administrative Department has sought the views of the Department of Personnel, Government of Manipur. In response, the Department of Personnel, have submitted the following 3(three) norms for determining the Inter-se-Seniority of the faculty members:-

“

1. The Proposal was processed and examined in DP's file No.33/10/2019-DR(Health)/DP and AD may examine the following three norms to determine the seniority:

- a. Seniority may be fixed by pay scale, then by Length of service rendered as Associate Professor and then by Age – as illustrated in Annexure-A;*
- b. Seniority may be fixed by pay scale, then by length of service rendered as Associate Professor, then length of service as Assistant Professor and then by Age (for Inter Dept.) or by Merit (for same Dept.) – as illustrated in Annexure-B;*
- c. Seniority may be fixed by pay scale, then by length of service as Assistant Professor and Associate Professor combined and then by Age- as illustrated in Annexure-C.*

And to adopt one which will be most suited to determine seniority of faculties in JNIMS for grant of Time Scale Promotion.”

[11] Subsequently, the Director, JNIMS, issued an order dated 21.10.2024 in connection with the fixation of seniority of the faculty members of JNIMS. At para No. 4 of the said order, it is clearly stated that the office of the Director, JNIMS has adopted the model for fixation of seniority at clause (b) of the norms suggested by the Department of Personnel as quoted herein above. In the said order, the claims and objections, if any, in that regard were asked to be submitted to the office of the Director, JNIMS on or before 18.11.2024

and that claims and objections submitted latter on shall not be entertained.

[12] The learned senior counsel submitted that even though the authorities have initiated the process for finalization of the Inter-se-Seniority List of the faculty members of JNIMS, the same has not been finalized till date thereby resulting in denial of the rights of the faculty members of JNIMS for availing promotion to the higher post. Accordingly, the learned senior counsel, submitted that an appropriate direction be issued to the respondents to expedite the process for finalization of the Inter-se-Seniority List of the faculty members of JNIMS as provided under Rule 6 of the aforesaid Rules of 2020 and in terms of the decision taken by the Director of JNIMS under the aforesaid order dated 21.10.2024 within a stipulated period and thereafter to consider the cases of the eligible faculty members of JNIMS for their promotion to the higher posts as provided under Rule 5(A) and Rule 5(B) of the aforesaid Rules of 2020 within a stipulated period.

[13] Mrs. L. Monomala, learned G.A. appearing for the respondents, submitted that no counter affidavit has been filed on behalf of respondent No. 1, however, on behalf of respondent No. 2, counter affidavit has been filed. The learned G.A., submitted that respondent No. 1 be given some time to file a separate counter affidavit in connection with the writ petition.

[14] It has also been submitted by the learned G.A. that at paragraph No. 11 of the counter affidavit filed on behalf of Respondent No. 2, it has been clearly stated by the answering deponent that office of the Director of JNIMS has already initiated action for taking a decision for fixation of inter se seniority of faculty members of JNIMS for effective implementation of Time Scale Promotion Rules for Teachers, 2020.

[15] The learned G.A. submitted that an appropriate order be passed by this Court taking into consideration the statement made by respondent No. 2 in its counter affidavit.

[16] I have heard the rival submission advanced by the learned counsel appearing for the parties and also examined all the relevant materials available on record.

[17] On examination of the aforesaid Rules, 2020, the provisions for giving promotion to the eligible faculty members are provided under Rule 5(A) & Rule 5(B) of the said rules. Under Rule 6 of the said Rules of 2020, there is provision for preparing a seniority list of the eligible candidates and that promotion should be based on the seniority list so fixed under the aforesaid Rule 6.

[18] The grievances of the petitioners in the present writ petition is about the non-finalization of Inter-se-Seniority List of the Faculty Members and consequently, non-consideration of their case for their promotion to the higher post as provided under the said Rules of 2020.

[19] After hearing the submission advanced by the learned counsel appearing for the parties and on perusal of the record, this Court is of the considered view that there is no dispute amongst the parties with regard to the facts of the present case. In my considered view, as the authorities have

already initiated the process for finalization of the Inter-se-Seniority List of the Assistant Professors and Associate Professors serving in JNIMS in terms of the suggestions proposed by the Department of Personnel, which has been later on accepted by the Director of JNIMS, there will be no impediment on the part of the authorities in finalizing the Inter-se-Seniority List of the Assistant Professors and Associate Professors serving in JNIMS.

[20] In my considered view, unless and until such Inter-se-Seniority List are finalized, the cases of the eligible faculty members serving in JNIMS cannot be considered for giving promotion to the higher post as provided under Rule 5(A) & 5(B) of the said Rules of 2020. Accordingly, this Court is of the considered view that it will be in the interests of justice to issue the following directions:-

- (1) The respondents are hereby directed to determine and finalize the Inter-se-Seniority List of the Assistant Professors and Associate Professors serving in JNIMS in terms of the order dated 21.10.2024 issued by the Director,

JNIMS and to notify the same within a period of 2(two) months from today.

- (2) It is made clear that at the time of determination of the final seniority list, the authorities should give reasonable opportunity to all the stakeholders for filing objection to the proposed final seniority list.
- (3) Upon finalization of the fixation of Inter-se-Seniority List of Assistant Professors and Associate Professors serving in JNIMS, the authorities are further directed to consider the cases of the eligible faculty members for their promotion to the higher post as provided under Rule 5(A) & Rule 5(B) of the said Rules of 2020.
- (4) It is made clear that the whole process for giving promotion should be completed within a period of 2(two) months from the date of notification of the final seniority list.
- (5) It is also made clear that at the time of consideration of the cases of the eligible faculty

members for their promotion to the higher post under the aforesaid Rules of 2020, the National Medical Commission Rules, which came into effect from 17.02.2022 would have no bearing.

[21] With the aforesaid directions, the present writ petition is disposed of.

JUDGE

FR/NFR

Indrajeet