

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

**WP(C) No. 834 of 2013 with
MC(WP(C)) No. 277 of 2024**

Laishram Nobin Singh aged about 37 years old, S/o (L) L. Angou Singh of Khangabok Awang Leikai, Part-I, P.O. & P.S. Thoubal, Thoubal District, Manipur.

... Petitioner

- Versus -

1. The State of Manipur through the Commissioner (Health), Government of Manipur.
2. The Director of Health Services, Lamphelpat, Imphal West, Manipur.
3. The Manipur Public Service Commission through its Secretary.
4. M. Bimolata Devi, Medical Record Technician, Health & Family Welfare Department, Govt. of Manipur.

... Respondents

B E F O R E

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the petitioner : Mr. H.S. Paonam, Sr. Adv. & Mr. A. Arunkumar,
& Ms. Malemleima, Advocates.

For the respondents: Mr. Th. Sukumar, GA; Mr. A. Mohendro &
Mr. David Boon, Advocates.

Date of reserved : 10.07.2025

Date of Judgement : **28.10.2025**

JUDGEMENT & ORDER
(CAV)

[1] Heard Mr. H.S. Paonam, learned senior counsel assisted by Mr. A. Arunkumar, learned counsel and Ms. Malemleima, learned counsel for the petitioner; Mr. Th. Sukumar, learned Government Advocate for the State respondents and Mr. A. Mohendro, learned counsel assisted by Mr. David Boon, learned counsel for the respondent no. 4.

[2] The present writ petition has been preferred by the petitioner herein challenging the impugned order dated 30.07.2012 issued by Under Secretary (Health), Govt. of Manipur inter-alia appointing on promotion of the private respondent no. 4 as Medical Record Technician (in short MRT) along with a prayer to issue a direction to hold review DPC of the DPC proceedings held on 26.06.2012 strictly in terms of the recruitment rules and also for stay of the impugned order dated 30.07.2012. The prayer of the petitioner is reproduced below:

- i) issue rule nisi and call for the records;*
- ii) issue a writ of certiorari or any other appropriate writ or direction for quashing and setting aside the impugned order dated 30.07.2012 appointing the private respondent No. 4 including the DPC proceedings held on 26.06.2012 which recommended the private respondent who is not qualified for the post as per the recruitment rules;*
- iii) consequently, further direct to hold review of the DPC held on 26.06.2012 strictly in term of the recruitment rules;*
- iv) in the interim, stay/suspend the impugned order dated 30.07.2012 pending disposal of the present case and*
- v) pass any further order (s) direction(s) which this Hon'ble court may seem fit and proper to secure the ends of justice.*

[3] It is the case of the petitioner that he was initially appointed as CSSD Technician on regular basis on the recommendation of a duly constituted DPC vide order dated 16.12.2006 and the petitioner attended the course of MRT held at Safdarjung Hospital, Medical Record Department & Training Centre, New Delhi w.e.f. 01.01.2011 to 30.06.2011 and hence, he is eligible for promotion to the post of MRT.

[4] It is stated that the post of CSSD Tech. is a feeder post for promotion to the post of MRT (Medical Record Technician). The appointment to the post of MRT is regulated by the recruitment rules called the "Department of Health, Manipur [Medical Record Technician (MRT)] Recruitment Rules, 2011" and the relevant portions is reproduced below:

"No. 1/30/88-RR/DP
Imphal, the 3^d September, 2011

***RECRUITMENT RULES FOR THE POST OF MEDICAL
RECORD TECHNICIAN (MRT) IN HEALTH DEPARTMENT,
MANIPUR.***

1.	<i>Designation of post(s)</i>	<i>Medical Record Technician (MRT)</i>
2.	<i>No. of post(s)</i>	<i>11 (Eleven)</i>
3.	<i>Classification</i>	<i>GCS Class II/Gr. B (Gazetted)</i>
4.	<i>Scale of pay</i>	<i>Rs. 5,000-150-8,000/- p.m. (pre-revised) [Corresponding Pay Band of Rs. 9,300-34,800/- plus grade pay of Rs. 4,200/- p.m. as per MS (RP) Rules, 2010]</i>
5.	<i>Whether selection post or non- selection post</i>	<i>Selection</i>
6.	<i>Age for direct recruits</i>	<i>35 (thirtyfive) years & below (upper age limit is relaxable for Govt. servants appointed under the Govt. of Manipur to the extent of the period of continuous services put in the post/service and by 5 years for SC/ST candidates and by 3</i>

		<i>years for OBC candidates and a Govt. servant who belongs to SC/ST/OBC will get the facility admissible to a Govt. servant in addition to the relaxation admissible to SC/ST/OBC candidates.)</i>
7.	<i>Educational and other qualifications required for direct recruits</i>	ESSENTIAL: <i>Graduate of a recognized University.</i> DESIRABLE: <i>Knowledge of Manipuri and Hindi</i>
8.	<i>Whether age and educational qualification prescribed for the direct recruits will apply in the case of promotees.</i>	N.A.
9.	<i>Period of probation, if any</i>	2 (two) years
10.	<i>Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods.</i>	50% by promotion and 50% by direct recruitment
11.	<i>In case of recruitment by promotion/ deputation/ transfer, grades from which promotion/deputation/ transfer to be made</i>	Promotion: 1. Grade-III employees with Graduation having 2 (two) years regular service in the grade and trained in Medical Record Technician course of at least 6 (six) months duration from a recognized Institution. If not available, 2. Non-graduate Grade-III employees having 5 (five) years regular service in the grade and trained in Medical Record Technician course of at least 6 (six) months duration from a recognized Institution.
12.	<i>If a DPC exists what is its compositions</i>	Class-II D.P.C.

13.	<i>Circumstances in which MPSC is to be consulted in making recruitment</i>	<i>As required under MPSC (Exemption from consultation) Regulations, 1972</i>
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*MZ. CHAMTHIU,
Under Secretary (DP), Government of
Manipur."*

[5] A proposal was made by the Director of Health Services for filling up the post of MRT by promotion to the Govt. of Manipur. Since MRT is a Class-II/Group- B post, DPC is to be conducted by the MPSC, the Director of Health Services submitted a proposal in MPSC Form-6 for requisition to the MPSC for holding DPC vide letter dated 17.01.2012. The Under Secretary (Health), Govt. of Manipur by its letter dated 17.01.2012 requested the Director, Health Services for filling up the vacant post of MRT. Accordingly, Director Health Services issued a memorandum dated 02.02.2012 informing all Grade-III employees to furnish all relevant certificates of MRT courses and the same is reproduced herein below:

**"GOVERNMENT OF MANIPUR
MEDICAL DIRECTORATE**

MEMORANDUM

Imphal, the 2nd February, 2012

No. G/RA/89-DHS(Pt.II)/4390: In pursuance of Secretariat: Health Department, Manipur letter No./31/17/08-M(Misc) dated 17/01/2012, all the concerned Head of Offices/ DDOs are requested to inform the following Grade-III employees working under their administrative control, to furnish the original certificates of MRT course and other relevant documents etc., so as to reach the undersigned on or before 18/02/2012 for onward submission.

Sl. No .	Name of Grade-III employee & Designation	Head of Offices/ DDOs	
1.	Sh. Tabopi Devi, LDC	Under CMO Imphal West	
2.	K. Shyamkumar Singh, LDC	Under CMO Imphal East	
3.	Sh. Sumati Devi, Record Assistant	Under Medical Supdt., DH Thoubal	
4.	L. Shyamo Singh, MHW	Under CMO Ukhrul	
5.	L. Nobin Sirgh, CSSD Technician	Under Medical Supdt., DH Thoubal	Petitioner herein
6.	Lamjahao Lhouvum, LDC	Under CMO Imphal West.	
7.	M. Bimolata Devi, Medical Record Assistant	Under Medical Supdt., JN Hospital, Imphal.	Respondent No. 4 herein

The HOOs/ DDOs concerned.

Sd/-
(S. Ibomcha Singh)
Director of Health Services,
Manipur.

[6] DPC for promotion to the post of MRT in the Health & Family Welfare Department, Manipur on regular basis was held on 26.06.2012 in association with the MPSC. On the recommendation of the said DPC, 6(six) employees (from the sub-cadres of LDC/RA/MRA/MHW) were given promotion to the post of MRT in the scale of pay of Rs. 9300-34,800 with grade pay of Rs. 4,200/- under the ROP, 2010 with usual allowances as admissible under the rules vide order dated 30.07.2012. It is stated that in the recommendation of the DPC, the petitioner, the senior most CSSD Tech. in the Department of Medical & Health Services, was not included in spite of possessing all the requisite qualification including passing of MRT course. Respondent no. 4, who did not possess the certificate of passing

MRT course, was included at serial no. 5 of the impugned promotion order dated 30.07.2012. The promotion of respondent no. 4 is challenged on the ground that respondent no. 4 did not possess the qualification of MRT Training as required under the recruitment rules and she has attended Medical Record Officer training (in short, MRO) which is not prescribed by the RR. Accordingly, it is prayed that the appointment of the respondent no. 4 on promotion to the post of MRT be set aside, as she did not possess the requisite qualification of training in MRT.

[7] It is also stated that MRO Training is not equivalent to the MRT training as stipulated by the recruitment rules. Respondent no. 3, MPSC filed a short-written submission stating that the respondent no. 4 has already passed MRO Training of 1(one) year duration which was inclusive of 6(six) months syllabus of MRT course. In the circumstances, she was recommended for promotion to the post of MRT by the DPC held on 26.06.2012 and as such there is no irregularity in recommending the name of the respondent no. 4 for promotion to the post of MRT.

[8] State respondent nos. 1 & 2 have filed counter affidavit stating that (i) the duration of MRO course is 12(twelve) months and for MRT is 6(six) months and the person who has already been trained in MRO training course is not considered for MRT training, since MRO training curriculum course is more elaborate and (ii) MRO training course curriculum includes all the curriculum covered in MRT course. Accordingly, it is stated that respondent no. 4 who had successfully completed 1year training course in MRO at Safdarjung Hospital, New Delhi was found eligible for consideration for promotion to the post of MRT and her case was duly considered by the DPC along with other eligible officers.

[9] Respondent no. 4 has filed counter affidavit stating that she was initially appointed as Medical Record Assistant, in the Health

Department, Govt. of Manipur, vide order dated 08.08.1996 issued by Director of Health Services, Manipur and the petitioner was appointed as CSSD Tech. vide order dated 16.12.2006 and as such the respondent no. 4 is 10(ten) years senior to the petitioner. The petitioner attended 6(six) months training course of MRT from 01.01.2011 to 30.06.2011 at Safdarjung Hospital, New Delhi and the respondent no. 4 attended the MRO training course at Safdarjung Hospital, New Delhi for the period of 1(one) year from 01.07.2009 to 30.06.2010.

[10] It is also stated that a query dated 19.01.2012 was submitted by the respondent no. 4 to the Director, Central Bureau of Health Intelligence, (DGHS), New Delhi for clarification about non-requirement of MRT course for those who has already completed MRO course. The Deputy Director, CBHI, New Delhi clarified by an email letter dated 08.02.2012 stating that the duration of MRO course is for 12(twelve) months and the MRT course is for 6(six) months. The person who has already been trained in MRO training course is not considered for MRT training, since the MRO training curriculum course is more elaborate and further clarified that once a person has already been trained as an MRO, further application from the same person for MRT training will not be considered.

[11] It is also further stated that to the query of the Administrative Officer of Medical Directorate, J.N. Hospital, Porompat vide letter dated 10.02.2012 about the MRO course and MRT course in respect of the respondent no. 4, the Deputy Director, Ministry of Health & Family Welfare, Govt. of India clarified vide its letter dated 28.02.2012 that MRO course is conducted by CBHI at Safdarjung Hospital, New Delhi for 1(one) year duration and is more elaborated than the 6(six) months MRT training course conducted at the same hospital by CBHI. Further, it was clarified that MRO training course curriculum includes all the curriculum covered in

MRT course. In the circumstances, the DPC rightly considered the case of the respondent no. 4 as eligible, as she has already successfully completed the MRO training course of 1(one) year inclusive of the syllabus of 6(six) months MRT training course. In other words, it is reiterated that MRO is a higher qualification than MRT.

[12] The petitioner filed an additional affidavit dated 11.09.2014 bringing on record the graduation certificate of the petitioner for passing 3(three) years degree course in Chemistry in the year 1998 from Manipur University (in short, MU) and also the fact that in the DPC proceeding, the respondent no. 4 was treated as undergraduate. It is pointed out that as per the recruitment rules, graduates are given preference to undergraduate and when graduates are not available, undergraduates can be considered for promotion. Since the petitioner is a graduate and the respondent no. 4 is only undergraduate, she cannot be promoted without considering the case of the petitioner.

[13] The respondent no. 4 filed an additional affidavit dated 09.10.2014 stating that she passed 3(three) years degree course in Statistics from Manipur University in the year 2000 and she also had taken leave for appearing in the examination and she appeared in the Three Years Degree Course (TDC) Examination as a private candidate from the MU. Documents have been annexed for applying leave and grant of leave for appearing in the examinations.

[14] The respondent no. 3, MPSC has also filed an additional affidavit dated 28.01.2015 stating that in the DPC proceedings, the remark against the respondent no. 4 to be treated as 'undergraduate' is a printing mistake and it should be read as 'graduate' and also the same is placed on record. Vide letter dated 01.06.2012, the Under Secretary (Health), Govt. of Manipur, wrote to the Secretary, MPSC, Imphal for filling up the vacant

posts of MRT along with relevant documents including the Note for DPC. In the Note of DPC, it is stated that there are 6(six) posts of MRT under promotion quota. As per the existing guidelines, the allocation of quota for 5 UR posts of MRT (excluding 1 post of ST) under promotion quota amongst the different Grades/Feeder posts is reproduced below:

<i>Sl. No.</i>	<i>Name of Feeder Post of different categories/ Grades</i>	<i>% of Quota of 5 UR Posts to be allocated to the different Grades/Feeder post(s)</i>
<i>1.</i>	<i>Record Assistant</i>	<i>20% of 5 posts = 1 post</i>
<i>2.</i>	<i>CSSD Technician</i>	<i>20% of 5 posts = 1 post</i>
<i>3.</i>	<i>MHW</i>	<i>20% of 5 posts = 1 post</i>
<i>4.</i>	<i>LDC</i>	<i>20% of 5 posts = 1 post</i>
<i>5.</i>	<i>MRA</i>	<i>20% of 5 posts = 1 post</i>
<i>Total 100%</i>		<i>= 5 posts</i>

Remarks – For the 5 UR posts for 5 different feeder posts, the % comes to 20% for each feeder post.

[15] The names of the officials/incumbents in the five different sub-cadres indicating their date of appointment to their parent service/grade and date of their eligible for promotion to MRT are indicated hereunder as separate lists:

1. Record Assistant

<i>Sl. No.</i>	<i>Name of Employee & Qualification</i>	<i>Post held</i>	<i>Date of Appointment</i>	<i>Date of eligible for promotion to MRT</i>
<i>1.</i>	<i>Sh. Sumati Devi, Graduate</i>	<i>Record Assistant</i>	<i>31.05.1994</i>	<i>31.05.1996 She completed MRT course on 30.06.1993</i>

2. CSSD Technician

<i>Sl. No.</i>	<i>Name of Employee & Qualification</i>	<i>Post held</i>	<i>Date of Appointment</i>	<i>Date of eligible for promotion to MRT</i>
1.	L. Nobin Singh, Graduate (Petitioner)	CSSD Technician	16.12.2006	01.07.2011 He completed MRT course on 30.06.2011

3. Male Health Worker

<i>Sl. No.</i>	<i>Name of Employee & Qualification</i>	<i>Post held</i>	<i>Date of Appointment</i>	<i>Date of eligible for promotion to MRT</i>
1.	L. Shyamo Singh, Graduate	MHW	14.09.1997	01.01.2007 He completed MRT course on 31.12.2006

4. LDC

<i>Sl. No.</i>	<i>Name of Employee & Qualification</i>	<i>Post held</i>	<i>Date of Appointment</i>	<i>Date of eligible for promotion to MRT</i>
1.	S. Tabopi Devi, Graduate	LDC	03.03.1987	01.01.1995 She completed MRT course on 31.12.1994

2.	<i>K. Shyamkumar Singh, Graduate</i>	<i>LDC</i>	<i>08.01.1998</i>	<i>01.01.1995</i> <i>He completed MRT course on 31.12.1994</i>
3.	<i>Lamjahao Lhouvam (ST), Graduate</i>	<i>LDC</i>	<i>18.11.1989</i>	<i>01.01.2004</i> <i>He completed MRT on 31.12.2003</i>

5. Medical Record Assistant

<i>Sl. No.</i>	<i>Name of Employee & Qualification</i>	<i>Post held</i>	<i>Date of Appointment</i>	<i>Date of eligible for promotion to MRT</i>
1.	<i>M. Bimolata Devi, Graduate (Res. No.4)</i>	<i>MRA</i>	<i>08.08.1096</i>	<i>01.07.2010</i> <i>She completed Medical Record Officer course of 1 year (inclusive of 6 months syllabus of MRT course) on 30.06.2010.</i>

[16] Administrative Department requested the DPC to select employee(s) from each of the feeder grades, i.e., 1(one) each from (i) Record Assistant, (ii) CSSD Technician, (iii) Male Health Worker, (iv) Medical Record Assistant respectively, and (v) 2(two) inclusive of 1(one) ST employee from group of LDCs and recommend/interpolate in a combined merit list based on their ACRs and requisite length of service in

the feeder grade and date from which they became eligible for appointment by promotion to MRT.

[17] On the recommendation of DPC and vide order dated 30.07.2012, the following 6(six) persons are appointed as Medical Record Technician from the feeder cadres of Record Asstt./MHW/LDC/Medical Record Asstt. and is reproduced below:

<i>Sl. No.</i>	<i>Name & Designation</i>
<i>1.</i>	<i>S. Tabopi Devi, LDC</i>
<i>2.</i>	<i>K. Shyamkumar Singh, LDC</i>
<i>3.</i>	<i>Lamjahao Lhouvum (ST), LDC</i>
<i>4.</i>	<i>Sh. Sumati Devi, RA</i>
<i>5.</i>	<i>M. Bimolata, MRA - respondent no. 4 herein</i>
<i>6.</i>	<i>L. Shyamo, MHW</i>

[18] Since the name of the petitioner was not recommended and accordingly not promoted by the impugned order, he challenged the appointment of respondent no. 4 on the ground that she was not eligible as she did not pass the MRT 6(six) months course and 1(one) year training course of MRO could not be considered as equivalent to MRT course as stipulated in the rules. It is urged that the respondent no.4 is only an undergraduate and petitioner, who is a graduate, should be given preference in terms of the recruitment rules.

[19] Vide judgement and order dated 01.08.2016 in W.P. (C) No. 834 of 2013, this Court dismissed the writ petition by observing that the respondent no. 4 is a graduate and passing of 1(one) year MRO higher training course can be treated in compliance of the requirement of MRT course of 6(six) months. Thereafter, the petitioner filed an RTI application dated 08.08.2016 to the CPIO, Manipur University, Canchipur requesting to furnish the following information with respect to respondent no. 4.

- 1. Whether M. Bimolata Devi passed the B.A. (Statistics) Exam, 1999 conducted by the Manipur University under Roll No. 716591.*
- 2. If yes, whether she is a private candidate or regular candidate.*
- 3. Whether B.A.(Statistics) can be pursued by a private candidate.*

[20] The Deputy Registrar (Aca), MU furnish the following information vide letter dated 23.08.2016 stating that –

- 1. Ms. M. Bimolata Devi passed the BA (STAT) in 1999 in Second Class under Roll no. 716591.*
- 2. She is a regular candidate as per Tabulation Sheet.*
- 3. In no case, subjects involving Practicals can be allowed as a Private Candidate. Statistics is a subject involving Practical Papers in TDC 3rd Year Exam, 1999.*

[21] Upon coming to know that the respondent no. 4 passed TDC 3rd Year Exam, 1999 in Statistics as a regular candidate, the petitioner preferred a review petition being Review Petition No. 16 of 2016 against the order dated 01.08.2016 passed by this Court in W.P. (C) No. 834 of 2023 amongst on the ground that:

1. The respondent no. 4 made fraudulent plea that she herself appeared as a private candidate for studying graduation, while the University stated that she appeared as a regular course. The order obtained by fraud is void ab initio. For undergoing graduation course as a regular candidate, at least 75% attendance is required. The BA (Statistics) being a subject involving practical, it could not be possible to complete without regular attendances. The respondent

no.4 never took study leave to attend regular class. Her graduate certificate as a regular candidate cannot be considered for the purpose of promotion by the DPC and she should be treated as undergraduate.

2. Vide order dated 01.03.2024 in Review petition No. 16 of 2016, the matter was directed for consideration afresh keeping in view of the contention of the respondent no. 4 as a private candidate in graduation vis-a-vis the University's confirmation that she was a regular candidate. In the circumstances, the matter is heard afresh by this Court on merit on all points.

[22] The respondent no. 4 also filed an application being MC[W.P. (C)] No. 277 of 2024 for dismissal of the writ petition, as the same is not maintainable against the respondent no. 4. It is stated that as per the Note of DPC filed by the official respondent, it is evident that there are 5(five) different grade feeder posts, i.e., (i) Record Asstt., (ii) CSSD Tech., (iii) MHW, (iv) LDC & (v) MRA for promotion to the post MRT (Medical Record Technician) and for the 5(five) posts for UR available before the DPC, 1 post each was distributed for each of the 5 feeder cadres and as such only 1 person each can be recommended from the 5 feeder cadres. The Administrative Department has also requested the DPC to select 1 each for UR from the five feeder cadres, i.e., 1 each from Record Asstt., CSSD Tech., MHW, LDC (+ 1 for ST) & MHW. It is stated that the DPC recommended 6(six) candidates i.e. 3 for LDC (2 UR & 1 ST) and 1 each from Record Asstt., MRA & MHW. Since 2 UR seats from LDC sub-quota were recommended by the DPC for promotion, taking 1 seat from the quota of CSSD Tech., the petitioner was not considered and not recommended by the DPC. It is stated in the application that the petitioner should have challenged the recommendation and subsequent promotion

of the excess LDC seats taken from the quota of CSSD Tech. to which the petitioner belongs. It is highlighted that the present writ petition is not maintainable in the present form, as the petition cannot be considered from the sub-quota of MRA to which the respondent no. 4 belongs.

[23] Mr. H.S. Paonam, learned sr. counsel for the petitioner has submitted that as per the recruitment rules, the post of MRT is a Class-II Group-B Gazetted and there are 11(eleven) posts. 50% of recruitment is by promotion and 50% by direct recruitment and for direct recruitment, the eligibility criteria is graduate. In case of promotion, Class-III Graduate employee with 2(two) years regular service and trained in MRT course at least 6(six) months duration from a recognized institution is to be considered first, and if graduates are not available, the non-graduate Grade-III having 5(five) years regular services in the grade and trained in MRT training course of at least 6(six) months course from a recognized institute can be considered. It is also pointed out that there are 5(five) feeder posts for promotion, i.e., Record Asstt., CSSD Tech, MHW, LDC & MRA. The learned sr. counsel for the petitioner has further pointed out that the petitioner has attended 6(six) months MRT course from Safdarjung Hospital, New Delhi, whereas the respondent no. 4 attended 1(one) year MRO course from Safdarjung Hospital, New Delhi. In absence of any clarification or exception, the MRO training course cannot be treated as a substitute course for MRT as stipulated in the recruitment rules and as such the respondent no. 4 does not have the requisite qualification of having trained in MRT for 6 months. The respondent no. 4 is undergraduate as per the DPC proceeding, but the same is clarified by the MPSC as graduate in the additional affidavit before this Court. It is submitted that the proceeding of the DPC cannot be clarified or upgraded in an affidavit filed before the Court, when the correctness of the same is in question. It is also pointed out that in the additional affidavit filed by

the respondent no. 4, she stated that she passed the 3(three) years degree course in Statistics as a private candidate from Manipur University in the examination conducted in the year 2000. However, in the reply to RTI application, the MU has clarified that the respondent no. 4 passed TDC 3rd year degree course in Statistics as a regular candidate and Statistics subject has practical papers. Since the Statistics has practical papers, the private candidates are not allowed to appear for such examination. The respondent no. 4 has misrepresented and played fraud on this Court by wrongly stating that she passed 3 (three) years degree course in Statistics as a private candidate. The graduation certificate of the respondent no.4 cannot be considered for the purpose of promotion and she should be considered as undergraduate. As per the recruitment rules, the graduates are to be preferred to undergraduates and only in case of non-availability of any graduate, the undergraduate can be considered. It is submitted that the impugned order dated 30.07.2012 promoting the respondent no. 4 for promotion to MRT be set aside with a direction to the State Authority to hold review DPC strictly in terms of the recruitment rules.

[24] Mr. Th. Sukumar, learned Government Advocate for the State respondents, has pointed out that the recruitment rules stipulate passing of the MRT courses for 6(six) months by an employee in the feeder cadre of Class-III. He draws attention of this Court to the clarification submitted by the Ministry of Health & Family Welfare, Govt. of India that MRO course of 1(one) year is more elaborate than MRT course of 6(six) months and it includes all the syllabus of MRT. Ministry further adds that a person, having attended 1(one) years training course under MRO, is not required to undergo the 6(six) months MRT course. In the circumstances, learned GA has submitted that the DPC rightly considered the case of the respondent no. 4, who had successfully attended 1 year MRO course, as eligible for consideration for promotion to the post of MRT. Since Manipur

University has not withdrawn the graduate certificate issued to the respondent no. 4, the State authority cannot treat the graduation certificate of the respondent no. 4 as void or invalid. The respondent no. 4 is a graduate with 1(one) year MRO and she is eligible as per the recruitment rules. Learned GA also draws the attention of this Court to the Note of DPC where for the 5(five) UR posts for promotion to MRT amongst the 5(five) feeder cadres of Record Asstt., CSSD Tech., MHW, LDC & MRA. In order to avoid heartburn to the employees belonging to the different feeder cadres, 1 post each is assigned to the 5(five) feeder posts, i.e., 20% of the 5 posts (1 post each). In other word, 1(one) UR post each is earmarked for Record Asstt., CSSD Tech., MHW, LDC and MRA, for promotion from the feeder cadres to the post of Medical Record Technician for 5(five) UR vacancies and the Administrative Department requested the DPC to select 1(one) employee each from the above 5 categories. In the circumstances, the respondent no. 4, being the sole candidate under MRA sub-cadre, she was recommended by the DPC and was appointed by the State Govt. vide impugned order dated 30.07.2012. Learned GA has further clarified that even if the respondent no. 4 is treated as undergraduate, she has to be considered due to non-availability of any eligible graduate candidate under MRA quota and as per the recruitment rules, in case of non-availability of graduate employee, non-graduate grade-III employee with 5 (five) years regular service with 6(six) months training course of MRT is eligible. In such a peculiar situation, the appointment of the respondent no.4 can be justified on this ground also. The respondent no.4 has attended higher training course of MRO and has more than 16(sixteen) years of regular service in the feeder cadre. It is submitted that writ petition may be dismissed with cost.

[25] On the other hand, Mr. A. Mohendro, learned counsel for the respondent no. 4 has pointed out that it is the admitted fact that

the respondent no. 4 completed 1(one) year training course in MRO which is superior and more elaborate course inclusive of the syllabus of MRT training course of 6 (six) months. To her query, the Ministry by the email dated 08.02.2012 clarified that MRO course is more elaborate than the MRT and the candidate having attended the MRO training course is not required to undergo the MRT training course for 6(six) months and as such the respondent no. 4 has rightly been considered by the DPC as eligible in terms of the clarification given by the Ministry. It is also pointed out that the respondent no. 4 applied for appearing in the 3(three) years degree course in Statistics from the Manipur University as private candidate and she took leave for appearing in the examination and she also attended some classes. However, she cannot be faulted for issuing a graduation certificate as regular candidate by the MU. The issue of private or regular candidate does not make any difference in the certificate issued by MU, unless the university withdraws the graduation certificate issued to her. Even if assumed as an undergraduate, the respondent no.4 is still eligible in the RR, as she is the lone eligible employee under the MRA sub-cadre.

[26] Mr. A. Mohendro, learned counsel for the respondent no. 4, has clarified that on a plain reading of the certificate issued by MU, it does not reflect whether the candidate is a private or regular. Hence, this fact has no relevancy in considering whether the respondent no. 4 is a graduate or not. The DPC has made some mistake in recording the respondent no. 4 as undergraduate. However, the error has been clarified and explained by the MPSC in the additional affidavit that the respondent no. 4 should be treated as 'graduate'.

[27] The learned counsel for the respondent no. 4 submits that assuming for the sake of argument (*but not admitting that respondent no. 4 is an undergraduate*), she is the only eligible candidate under the sub-quota of MRA. She being the only available candidate under the MRA sub-

quota of 1 seat, her appointment can be treated as valid in view of the consideration of the non-graduate Grade-III employee due to non-availability of the graduate MRA employee as stipulated in the RR. It is stated that the order dated 01.08.2016 passed earlier by this Court does not require any re-consideration, as the question of regular/private candidate of the respondent no.4 in her graduation certificate, is not at all relevant. It is urged that the petitioner cannot be considered for promotion in the sub-quota of MRA and he should have challenged the excess recommendation and promotion from the sub-quota of LDC by taking over 1 seat from the sub-quota of CSSD Tech. It is prayed that the writ petition is not maintainable and be dismissed.

[28] The respondent no. 4 also submitted a written submission dated 18.07.2025 and brings on record the new fact that during the pendency of the writ petition, the petitioner has been promoted to the post of MRT vide order dated 08.02.2024 and the petitioner has accepted the same without any protest and as such the cause of the writ petition does not survive anymore.

[29] This Court has considered the materials on record, the submissions made at the bar, the relevant rules and case laws in this regard.

[30] As per the recruitment rules of 2011 for the posts of MRT [Medical Record Technician], MRT is a Gazetted Grade-II post (50% post is by promotion & 50% by direct recruitment) and as per record, there are 5(five) feeder cadres of Grade-III post for promotion to the post of MRT, i.e., (i) Record Asstt., (ii) CSSD Tech., (iii) MHW, (iv)LDC, & (v) MRA. The vacancy position before the DPC for promotion to the post of MRT for the year 2011-2012, is 5 seats are available for UR and 1 for ST. The 5 UR seats are divided amongst the 5 feeder cadres equally, i.e., 1 each from

the Record Asstt., CSSD Tech., MHW, LDC, MRA was earmarked. The Administrative Dept. requested the DPC to select 1(one) employee from each of the feeder grades of Record Asstt., CSSD Tech., MHW, MRA and 2 inclusive of 1 ST employee from LDC. In short, 1 UR each from the 5 feeder cadres, 1 ST for LDC have to be recommended. 2 employees from LDC cadre can be recommended, i.e., 1 UR and 1 ST and 1 each for the remaining 4 cadres for the total vacancy of 6 seats. As per the recruitment rules, the first preference is Grade-III Graduate employee with 6 months training course in MRT from a recognized institution. In case of non-availability of the graduate employee, non-graduate Grade-III employee with 6 months training course in MRT can be considered for promotion. The Ministry has clarified that MRO training course of 1 year is superior, more elaborate and inclusive of the syllabus of 6 months MRT training course and a person having attended the 1 years MRO course is not required to undergo 6 months MRT course and hence, a person having undergone the MRO course will be considered as having higher qualification. In the circumstances, the DPC, on the basis of the clarification by the Ministry, has considered the case of the respondent no. 4 having attended 1 years MRO course as eligible for promotion from the feeder cadre of MRA to Medical Record Technician. On perusal of the DPC Note submitted by the department, it is seen that object of the distribution of 1 UR seat to all 5 feeder cadres is to have a uniformity and to remove heartburn to the employees belonging to the various cadres. Accordingly, the quota available from UR is 1 seat each from Record Asstt., CSSD Tech., MHW, LDC & MRA. Since 1 seat out of the 6 vacant seats is earmarked for ST, 5 UR seats are distributed to the 5(five) feeder cadres and the Administrative Department requested the DPC to recommend 1 seat each for the 5 UR seats from the 5(five) feeder cadres and 1 LDC from ST. In the circumstances, the DPC is required to recommend 1 seat each from

Record Asstt., CSSD Tech., MHW, MRA and 2 seats from LDC (1 UR & 1 ST) for the 6 (six) vacancies for the year 2011-2012.

[31] The respondent no. 4 claims that she appeared in the 3 years degree course in Statistics from Manipur University in the year 2000 examination as private candidate and this Court, vide order dated 01.08.2016, considered her as a graduate and held that the respondent no. 4, being a graduate with 1 year MRO training course in terms of the explanation by the Ministry, was held eligible for promotion to the post of MRT under the MRA sub-quota. This aspect is directed to be examined in the review order.

[32] It is the case of the petitioner that the respondent no. 4 has played fraud on this Court by misrepresenting the fact that she appeared as private candidate in the graduation examination. In the RTI reply given by the Manipur University, it has been clarified that the petitioner was a regular candidate in the examination and for the subjects with practical papers, no private candidate could appear in the examination. The respondent no.4 did not take study leave and according to her pleading, she was a private candidate. In terms of the explanation from the university, her graduation certificate in Statistics cannot be considered, having been appeared as a private candidate in Statistics subject. Hence, the substantive qualification of the respondent no.4 is only an under-graduate and the petitioner, being a graduate, should have been preferred to the respondent no. 4 and she cannot be considered for promotion in terms of the recruitment rules. In the review order, the matter was directed to be re-heard on the point of private and regular graduation certificate of the respondent no.4.

[33] This Court has considered the rival submissions in this regard. In the additional affidavit of the respondent no. 4, she stated that

she passed 3 years degree course in Statistics in the year 2000 as a private candidate from Manipur University. However, in the RTI reply given to the petitioner, the MU clarified that the respondent no. 4 was a regular candidate in the examination. It is also an admitted fact that the graduation certificate of the respondent no. 4 has not been withdrawn till date by MU. In the circumstances, it will not be proper for the DPC or any other authority to treat the graduation certificate of the petitioner as invalid, unless the same is declared as void by a competent authority/court. It is also an admitted fact that the university or any other authority has not declared the graduation certificate of the respondent no. 4 is invalid or void. In view of the admitted factual matrix of the case, this Court cannot accept the submissions of the petitioner that the respondent no. 4 is not a graduate. Moreover, the certificate issued by Manipur University does not indicate anything about the status of the candidature of the respondent no.4 as private or regular. It is a graduation certificate simpliciter.

[34] In the alternative, if this Court presumes the respondent no. 4 is an undergraduate, she can still be adjusted against the 1(one) UR seat from MRA sub-quota. Admittedly, the petitioner belongs a CSSD Tech. and 1 post is earmarked for the UR candidate under CSSD Tech. feeder quota in the Note of DPC submitted by the Administrative Department. Since only 1 person is available in the MRA sub-quota of 1 UR seat and in case of non-availability of graduate Grade-III MRA employee, the respondent no. 4 (*if considered as an undergraduate*) is also eligible under the second limb of Column 11 of the of the recruitment rules. On careful examination of the DPC proceedings, it is seen that the DPC has recommended 3 persons from LDC sub-quota, i.e., 2 UR & 1 ST thereby, 1 UR seat earmarked for CSSD Tech. has been taken over by LDC quota. The recommendation is done in excess of 1 UR seat under the LDC sub-cadre,

and the same is contrary to the proposal submitted by the Administrative Department to the Manipur Public Service Commission. In the situation, the petitioner who belonged to CSSD Tech. sub-cadre was omitted by the DPC and accordingly not recommended for promotion. The petitioner should have challenged the excess recommendation of 1 UR seat under LDC quota, as the same has engrossed upon 1 UR quota for CSSD Tech. sub-cadre to which the petitioner belongs. However, the petitioner chose a wrong person, i.e., the respondent no. 4 by challenging her promotion, whereas he should have challenged one excess recommendation and appointment on promotion from the 1 UR LDC quota. This Court finds substance in the application, i.e., MC[WP(C)] No. 277 of 2024 filed by the respondent no. 4 for the dismissal of the writ petition, as the petitioner cannot challenge the appointment of the respondent no. 4 on promotion to MRT under MRA sub-quota. It may be noted that there is no excess recommendation and subsequent promotion from the MRA quota. Ironically, the petitioner has not challenged the excess appointment from LDC quota which has taken over the 1 UR seat from the sub-quota of CSSD Tech. This Court is not inclined to interfere with the excess recommendations and promotion from the LDC quota, as the same has not been challenged in the present writ petition and the interested parties are not impleaded as respondents. In the circumstances, the writ petition is dismissed and MC(WP(C)) No. 277 of 2024 is allowed.

[35] From the written submission made by the respondent no.4, it is seen that the petitioner has been promoted to the post of MRT vide order dated 02.08.2024 issued by Joint Secretary, Health & Family Welfare, Govt. of Manipur. While not interfering with the excess recommendations from the LDC quota by the DPC held on 26.02.2012 and impugned order of appointment dated 30.07.2012, this Court is of the view that the DPC has committed an error in recommending 1 UR seat extra in

the LDC sub-quota by taking over the 1 UR seat from CSSD Tech. sub-quota, thereby depriving the petitioner, who is the lone eligible candidate under the CSSD Tech. quota, the opportunity for promotion. If the DPC has taken due care in recommending the correct and accurate candidates from the sub-feeder quota as per the guidelines and as proposed by the Administrative Committee, the petitioner could also have been included in the recommendation list of the DPC held on 26.02.2012 and in the impugned appointment order dated 30.07.2012. Due to this serious lapse on the part of DPC, the petitioner has lost the precious time of more than 12 years in waiting for promotion to the post of MRT in the year 2024, whereas he was eligible and ought to have been recommended by the DPC held on 26.06.2012 and subsequently would have been appointed by the impugned order dated 30.07.2012. The petitioner has suffered for a considerable period of time, but he chooses a wrong person to ventilate his grievances.

DOCTRINE OF MOULDING OF RELIEF

[36] In a recent judgment of **J. Ganapatha and Ors. vs. N. Selvarajalou Chetty Trust and Ors.: MANU/SC/0387/2025: 2025 INSC 395**, Hon'ble Supreme Court discussed the concept of moulding of relief in a proceeding based on the facts and circumstances of the case, even if the relief granted was not actually prayed for. Relevant para is reproduced below:

"20. The concept of moulding of relief refers to the ability of a court to modify or shape a relief sought by a party in a legal proceeding based on the circumstances of the case and the facts established after a full-fledged trial. The principle enables the court to grant appropriate remedies even if the relief requested in the pleading is not exact or could not be considered by the court or changed circumstances have rendered the relief obsolete. The court aims that justice is served while taking into account the evolving nature of a case. The above road map is pursued by a court based on the

notion of flexibility in relief, equitable jurisdiction, and is tempered by judicial discretion. When moulding the relief, the court considers the issues and circumstances established during the full-fledged trial, looks at shortening the litigation, and then in its perspective, renders complete justice to the issue at hand. The converse of the above is that the moulded relief should not take the aggrieved party by surprise or cause prejudice. The relief is moulded as an exception and not as a matter of course."

[37] In the case of **Shivanna and Ors. vs. B.S. Puttamadaiah (Dead) through L.Rs.: MANU/SC/1462/2023**, Hon'ble Supreme Court reiterated the principles of moulding of relief as an exception to do complete justice to the parties. Relevant para are quoted below for easy understanding:

*"11. The submission made by Mr. Sharanagowda Patil, learned Counsel appearing for the Appellants and Mr. Ashwin v. Kotemath, learned Counsel appearing for the Respondents are considered. What is important to note here is that the First Appellate Court declared title in favour of the Defendant although the Defendant never put forth any such claim in the Civil Suit. The suit was filed by the Plaintiff seeking declaration and injunction and the Appellate Court after dismissing the suit could not have then issued the declaration of title and possession, in favour of the Defendant, particularly when the Defendant never claimed any such relief from the Civil Court. It is well-settled in law that the principle of moulding of reliefs could at best be applied as an exception. This Court in **Om Prakash Gupta v. Ranbir B. Goyal, MANU/SC/0035/2002 : 2002 INSC 35 : (2002) 2 SCC 256** laid down the following conditions where the relief could be moulded:*

11. The ordinary Rule of civil law is that the rights of the parties stand crystallised on the date of the institution of the suit and, therefore, the decree in a suit should accord with the rights of the parties as they stood at the commencement of the lis. However, the Court has power to take note of subsequent events and mould the relief accordingly subject to the following conditions being satisfied:

(i) that the relief, as claimed originally has, by reason of subsequent events, become inappropriate or cannot be granted;

(ii) that taking note of such subsequent event or changed circumstances would shorten litigation and enable complete justice being done to the parties; and
(iii) that such subsequent event is brought to the notice of the court promptly and in accordance with the Rules of procedural law so that the opposite party is not taken by surprise."

[38] In the circumstances, by resorting to the doctrine of moulding of relief as an exception and in order to do complete justice to all parties and specially to the petitioner who has become a victim of the lapses on the part of the DPC, this Court is of the opinion that it will be in the interest of justice, equity and legitimate expectation to direct the Administrative Department to give notional promotion without arrears to the petitioner for the purpose of further promotion, pensionary and other service benefits wef 30.07.2012. The petitioner shall be placed after the last candidate as mentioned in the impugned order 30.07.2012. The aforementioned direction shall be complied within a period of two months from the date of receipt of a copy of this judgment.

[39] FINDINGS & CONCLUSION: This Court holds and issues the following directions:

(i) The writ petition, being WP(C) No. 834 of 2013 is dismissed and the application, i.e., MC[WP(C)] No. 277 of 2024 filed by the respondent no.4 for dismissal of the writ petition, is allowed.

(ii) The respondent no.4 has rightly been recommended for promotion to the post of Medical Record Technician (MRT) from the sub-cadre of Medical Record Assistant, as she is the lone eligible candidate under this sub-cadre. 1 year MRO training course is higher course than 6 months MRT training course as stipulated under the recruitment rules. MRO includes all the syllabus of MRT

in a more comprehensive and elaborate manner and is a higher qualification.

(iii) The status of private or regular graduation certificate of the respondent no.4 is not relevant in the present case, as she is the lone available candidate under the sub-feeder cadre of Medical Record Assistant regarding 1 UR vacancy earmarked for the same. She has to be considered (*even if assumed to be an under-graduate*) when graduate employees are not available in terms of the service rules. Admittedly, the graduation certificate of the respondent no.4 has not been withdrawn by the Manipur University nor has the same been invalidated by any authority/court.

(iv) The petitioner is the lone eligible candidate for the 1 UR seat earmarked for CSSD Tech. sub-quota, but he was wrongly overlooked by the DPC by recommending excess seat from LDC sub-quota by taking over 1 UR seat from CSSD Tech. sub-quota.

(v) In absence of any challenge to the excess recommendation and promotion from the LDC sub-quota and non-impleading of necessary parties, this Court is not interfering with the recommendation of the DPC held on 26.06.2012 and the impugned promotion order dated 30.07.2012.

(vi) Resorting to the "*doctrine of moulding of relief*" and in order to do complete justice to the petitioner who has been denied his due promotion in the year 2012 due to the lapses on the part of the DPC, the Administrative Department is directed to confer notional promotion to the petitioner wef 30.07.2012 without arrears for the purpose of further promotion, pensionary and other service benefits, as he has been promoted to the post of MRT only on 03.08.2024 after wait of a long tortuous 12 years. He should be

placed after the last person in the impugned promotion order dated 30.07.2012. This direction is to be complied within 2 months from the date of receipt of a copy of this judgment.

[40] With these directions and observations, the present WP(C) No. 834 of 2013 is disposed of. The MC(WP(C)) No. 277 of 2024 is also disposed of accordingly. No cost.

[41] Send a copy of this judgment to the Administrative Secretary (Health), Government of Manipur for information and necessary compliance. A compliance report be submitted to this Court.

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JUDGE