

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

WP(C) No. 619 of 2023

1. P. Lakshmi Chanu, aged about 34 years, D/O Ph. Lalit Singh, Fishery Inspector, resident of Tiger Camp, P.O. & P.S. Sagolmang, Imphal East District, Manipur. PIN: 795114.
2. Gangmei Lamdinliu, aged about 37 years, D/O G. Yaima Kabui, Fishery Inspector, resident of Lilong Chingkhram, P.O. & P.S. Lilong, Thoubal District, Manipur. PIN: 795009.
3. Sarina Huidrom, aged about 31 years, D/O H. Dwijendro Singh, Fishery Inspector, resident of Khagempalli Huidrom Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur. PIN: 795001.
4. Rashidamad Bogi, aged about 29 years, S/O Abdul Gani Bogi, Fishery Inspector, resident of Uchiwa Nastao Awang Leikai, P.O. & P.S. Mayang Imphal, Imphal West District, Manipur. PIN: 795126.
5. Maringmei Makuchung, aged about 28 years, S/O M. Gaingamlung, Fishery Inspector, resident of Ragailong, P.O. & P.S. Imphal, Imphal East District, Manipur. PIN: 795001.

...Petitioners

- Versus -

1. State of Manipur through Addl. Chief Secretary/Commissioner/Secretary (Fishery), Government of Manipur at Secretariat Building, Babupara, P.O. & P.S. and District Imphal West, Manipur-795001.
2. The Director of Fisheries, Manipur having its Office at Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur-795001.
3. The Manipur Public Service Commission through its Secretary, having its office at AT Road, Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
4. Md. Ziaur Rahman, aged about 33 years S/o. A.R. Rahman of Lilong Ushoipokpi, P.O. & P.S. Lilong, Thoubal District, Manipur, Pin: 795130.
5. M.M. Sabanam Shahni, aged about 30 years, D/o. M.M. Nashib Ali Shah, resident of Lilong Leihakhong, P.O. & P.S. Lilong, Thoubal, District, Manipur, Pin: 795130.

6. Md. Farooque Shah, aged about 35 years, S/o. Md. Abdul Jalil, resident of Lilong Leihaokhong P.O. & P.S. Lilong, Thoubal District, Manipur, Pin: 795130.
7. Akoijam Bijaya Devi, aged about 31 years D/o. Akoijam Rajendra Singh, resident of Sangaiprou Mamang Leikai, P.O. & P.S. Imphal West, Manipur, Pin 795001.
8. Khumallambam Amarpriya aged about 46 years, W/o. Priyokumar Elangbam, resident of Thangmeiband Hijam Dewan Leikai, P.O. & P.S. Imphal West, Manipur, Pin: 795001.

**.....impleaded as R-4 to R-8 vide order dated
31.10.23 passed in MC(WP(C)) No. 335 of 2023]**

...Respondents

WITH

WP(C) No. 662 of 2023

1. Ms. Chingakham Sinthoileima, aged about 32 years, D/o. Chingakham Nondamba of Khambam Chumbreithong, P.O. Mantripukhri & P.S. Heingang, Imphal East District, Manipur, presently holding the post of Research Assistant and discharging her duties as Head of Office and the Drawing and Disbursing Officer in the Fishery Research Centre, Lamphel.
2. Ms. Sagolsem Anamika Devi, aged about 32 years, D/o. S. Achoubi Singh of Sagolband Noremthong Khumanthem Leikai, P.O. Imphal & P.S. Lamphel, Imphal West District, Manipur presently holding the post of Research Assistant while discharging her duties as Training & Extension, Fish Processing.

...Petitioners

- Versus -

1. The State of Manipur represented by the Principal Secretary/ Commissioner/Secretary (Fishery), Government of Manipur office at Secretariat South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
2. The Principal Secretary/Commissioner/Secretary (DP), Government of Manipur, office at Secretariat South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur.
3. The Director (Fishery), Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur - 795004.

...Respondents

4. The Manipur Public Service Commissioner (MPSC) through its

Secretary, Manipur Public Service Commission (MPSC), office at North AOC near Hotel Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.

5. The Central Institute of Fisheries Education (CIFE), Mumbai represented by the Director/Vice Chancellor of the Central Institute of Fisheries Education (CIFE), Mumbai, Panch Marg off Yari Road, Andheri-West, Mumbai-400061.

...Proforma Respondents

WITH

WP(C) No. 690 of 2023

1. Ms. Chingakham Sinthoileima, aged about 33 years, D/o. Chingakham Nondamba of Khambam Chumbreithong, P.O. Mantripukhri & P.S. Heingang, Imphal East District, Manipur, presently holding the post of Research Assistant and discharging her duties as Head of Office and the Drawing and Disbursing Officer in the Fishery Research Centre, Lamphel.
2. Ms. Sagolsem Anamika Devi, aged about 32 years, D/o. S. Achoubi Singh of Sagolband Noremthong Khumanthem Leikai, P.O. Imphal & P.S. Lamphel, Imphal West District, Manipur presently holding the post of Research Assistant while discharging her duties as Training & Extension, Fish Processing.

...Petitioners

- Versus -

1. The State of Manipur represented by the Principal Secretary/Commissioner/Secretary (Fishery), Government of Manipur office at Secretariat South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
2. The Principal Secretary/Commissioner/Secretary (DP), Government of Manipur, office at Secretariat South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur.
3. The Director (Fishery), Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur - 795004.

...Respondents

4. The Manipur Public Service Commission (MPSC) through its Secretary, Manipur Public Service Commission (MPSC), office at North AOC near Hotel Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.

5. The Central Institute of Fisheries Education (CIFE), Mumbai represented by the Director/Vice Chancellor of the Central Institute of Fisheries Education (CIFE), Mumbai, Panch Marg off Yari Road, Andheri-West, Mumbai-400061.

...Proforma Respondents

6. Lairenlakpam Lindali Chanu, Holding the post of Fishery Officer in Fishery Department, C/o. the Director (Fishery), Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
7. Gunabati Kangabam, Holding the post of Fishery Officer in Fishery Department, C/o. the Director (Fishery), Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
8. Loveson Golmei, Holding the post of Fishery Officer in Fishery Department, The Director (Fishery), Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.

...Private Respondents

WITH

WP(C) No. 718 of 2023

1. P. Lakshmi Chanu, aged about 34 years, D/O Ph. Lalit Singh, Fishery Inspector, resident of Tiger Camp, P.O. & P.S. Sagolmang, Imphal East District, Manipur. PIN: 795114.
2. Gangmei Lamdinliu, aged about 37 years, D/O G. Yaima Kabui, Fishery Inspector, resident of Lilong Chingkhram, P.O. & P.S. Lilong, Thoubal District, Manipur. PIN: 795009.
3. Sarina Huidrom, aged about 31 years, D/O H. Dwijendro Singh, Fishery Inspector, resident of Khagempalli Huidrom Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur. PIN: 795001.
4. Rashidamad Bogi, aged about 29 years, S/O Abdul Gani Bogi, Fishery Inspector, resident of Uchiwa Nastao Awang Leikai, P.O. & P.S. Mayang Imphal, Imphal West District, Manipur. PIN: 795126.
5. Maringmei Makuchung, aged about 28 years, S/O M. Gaingamlung, Fishery Inspector, resident of Ragailong, P.O. & P.S. Imphal, Imphal East District, Manipur. PIN: 795001.

...Petitioners

- Versus -

1. The State of Manipur through Addl. Chief Secretary/ Commissioner/Secretary (Fishery), Government of Manipur at Secretariat Building, Babupara, P.O. & P.S. and District Imphal West, Manipur-795001.
2. The Director of Fisheries, Manipur having its Office at Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur-795001.
3. The Manipur Public Service Commission through its Secretary, having its office at AT Road, Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
4. Lairenlakpam Lindali Chanu, Fishery Officer, C/o Director of Fisheries, Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
5. Gunabati Kangabam, Fishery Officer, C/o Director of Fisheries, Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
6. Loveson Golmei, Fishery Officer, C/o Director of Fisheries, Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.

...Respondents

B E F O R E

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the petitioners : Mr. M. Hemchandra, Sr. Adv.; Mr. Rendy, Adv.; Mr. S. Dijeshwor, Adv.

For the respondents : Mr. Athouba Khaidem, GA; Mr. Phungyo Zingkhai, Dy. GA; Mrs. Momota Devi Oinam, Sr. Adv.; Mr. Luckyboy, Adv.; Mr. M. Devananda, Sr. Adv.; Mr. K. Roshan, Adv.

Date of hearing : 24-09-2025

Date of judgment & order : 23.12.2025

J U D G M E N T A N D O R D E R

[1] Heard Mr. M. Hemchandra, learned senior counsel assisted by Mr. M. Rendy, learned counsel and Mr. H S Paonam, learned senior counsel

assisted by Mr. S. Dijeshwor, learned counsel for the petitioners; Mr. Athouba Khaidem, learned Government Advocate assisted by Mr. Phungyo Zingkhai, learned Dy. Government Advocate for the State respondents; Mrs. Momota Devi Oinam, learned senior counsel assisted by Mr. Luckyboy, learned counsel for the MPSC; and Mr. M. Devananda, learned senior counsel assisted by Mr. K. Roshan, learned counsel for the private respondents.

[2] In this batch of writ petitions, the only common issue arising therein is whether the petitioners who have academic qualifications of degree in Bachelor of Fishery Science (B.F.Sc.) and Master in Fishery Science (M.F.Sc.) are required to undergo diploma/certificate course in Fisheries as stipulated in the recruitment rules, i.e. Fishery Department, Manipur (Fishery Officer) Recruitment Rules, 1996. As per the said rules, the Fishery Officer is a post by promotion from the feeder cadres, i.e., Fishery Inspector, Fishery Extension Assistant and Fishery Instructor. The eligibility qualifications as per Column 11 of the MPSC Form reads as follows:—

***“MPSC Form-8 RECRUITMENT RULES FOR THE POST OF FISHERY OFFICER
IN THE FISHERY DEPARTMENT, MANIPUR***

.....	<i>In case of rectt. By promotion/deputation/transfer grades from which promotion/deputation/transfer to be made</i>	
	11	
.....	Promotion 1. <i>Fishery Inspector and Fishery Extension Assistant/ Fishery Instructor possessing Diploma with 3 (three) years regular service in their respective grades.</i> 2. <i>Fishery Inspector and Fishery Extension Assistant/ Fishery Inspector possessing 1 (one) Year</i>	

	<i>Certificate in the Fishery Science</i> from a recognized Inland Fisheries obtained from a Centre recognized by CIFE with 5 (five) Years regular service in their respective grades. 3. <i>Research Assistant possessing Diploma/Post Graduate in Zoology/Chemistry with 12 (twelve) months training from CIFE, Barrackpore Unit with 3 (three) years regular service in the grade.</i> 4. <i>Other Fishery Inspector/Fishery Extension Assistant/ Fishery Instructor who are not Science Graduate possessing Fisheries Training of not less than 9 (nine) months Course from any recognized Institutes with 10 (ten) years regular service in their respective grades.</i>	
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[3] In all these writ petitions, the writ petitioners are either B.F.Sc. or M.F.Sc., i.e., they are bachelor's and master's degree holders in Fishery Science from recognized institutions/universities and they entered service in the feeder cadre of Fishery Inspector/Fishery Extension Assistant/Fishery Instructor. It is the case of the petitioners that they, having a higher qualification and have done bachelor's and master's degree exclusively in Fishery Science, are not required to undergo certificate or diploma course in Fisheries as mentioned in column 11 of the recruitment rules. It is explained that diploma/certificate course in Fisheries is meant for those incumbents who do not have Fisheries as core subject in their graduation or master course and the petitioners, having done exclusively bachelor's and master's degree in Fishery Science as core subject, are not required to undergo training course in Fisheries.

[4] Mr. H.S. Paonam and Mr. M. Hemchandra, learned senior counsel for the writ petitioners, have pointed to the clarification dated 20-09-2023 issued by ICAR – Central Institute of Fisheries Education that candidates,

holding general degree of B.Sc. and M.Sc. (Zoology and other Biological Science) who have not acquired knowledge of Fisheries and Aquaculture, are required to undergo one year training in Fisheries and the candidates who possessed bachelor's degree and master's degree in Fishery Science are not required to undergo such training in Fisheries. The petitioners herein are held not eligible for promotion to the Fishery Officer, as they did not attend the requisite training in terms of column 11 of the recruitment rules for Fishery Officer. In these batch of writ petitions, the petitioners are challenging the letter dated 18-08-2023 issued by the Director of Fisheries for holding review DPC for 6 posts- 2 UR and 4 ST strictly as per the recruitment rules, i.e., complying the conditions of having certificate/diploma course in Fisheries and the proceedings of review DPC dated 18-09-2023 recommending the private respondents for promotion to the post of Fishery Officer and also the promotion order dated 05-10-2023 promoting the 3 private respondents to the post of Fishery Officer. It is also stated that the request for conduct of review DPC dated 18-08-2023 written by the Director of Fisheries to the Secretary (Fishery), the proceedings of the review DPC dated 18-09-2023 and also the appointment of 3 private respondents promoting them to the posts of Fishery Officer vide order dated 05-10-2023 in terms of the recommendation of the review DPC dated 18-09-2023 are in violation of the direction of the Division Bench of this Court in WA Nos. 111, 112 and 115 of 2022 vide common judgment dated 03-02-2023. The Division Bench directed the Fishery Department to communicate list of eligible officers in the feeder cadre to be considered by review DPC and also to include the names of 3 private respondents as they have completed the diploma course/ certificate. Learned senior counsel for the petitioners have pointed out that in the earlier occasion, persons similarly situated with the

petitioners were promoted to Fishery Officers even if they did not undergo the certificate/diploma in Fisheries on the ground that they possessed higher qualification of degree in B.F.Sc. and M.F.Sc. However, in the review DPC, the State Government has made a departure from the earlier stand declaring the petitioners as ineligible for promotion to the post of Fishery Officer for the simple reason that they did not attend the in-service certificate/diploma in Fishery in terms of column 11 of the recruitment rules. Learned senior counsel for the petitioners, submit that the departure is illegal, illogical and without any substance and the same amount for compelling the petitioners with higher qualification to undergo basic training in the subject which they have degree and master certificates. It is highlighted that the same is clarified by ICAR to the extent that persons with B.F.Sc. and M.F.Sc. are not required to undergo certificate and diploma course in Fishery and the course is meant for non-fishery science graduates in the feeder cadre. The petitioners are also challenging the promotion of the private respondents who are juniors to them. By this arbitrary and inconsistent stand of the State respondents, the private respondents have been given benefits of seniority upon the petitioners and also overmastered them in the higher cadre. There is instance of one Mr. Hemchandra Ningthoukhongjam with education qualification of M.F.Sc. and without undergoing training in fishery, was promoted to the post of Fishery Officer in the DPC conducted in the year 2016. Learned senior counsel for the petitioners pray for equal treatment to the petitioners with Mr. N. Hemchandra and in view of clarification by ICAR.

[5] Mr. H S Paonam, learned senior counsel for the petitioners in WP(C) Nos. 619, 718 of 2023 emphasizes that higher qualification presupposes acquisition of lower qualification. Compelling persons with higher qualification to undergo training for lower qualification is arbitrary,

improper and redundant. He relies on the following case law:

I. **(2010) 15 SCC 596 Para 7, 9 Jyoti KK-Vs-Kerala Public Service Commission**

“7. It is no doubt true, as stated by the High Court that when a qualification has not been set out under the relevant Rules, the same cannot be in any manner whittle down and a different qualification cannot be adopted. The High Court is also justified in stating that the higher qualification must clearly indicate or presuppose the acquisition of the lower qualification prescribed for that post in order to attract that part of the Rule to the effect that such of those higher qualification which presuppose the acquisition of the lower qualification prescribed for the post shall also be sufficient for the post. If a person has acquired higher qualification in the same Faculty, such qualification can certainly be stated to presuppose the acquisition of the lower qualifications prescribed for the post. In this case it may not be necessary to seek for.

9. In the event the Government is of the view that only diploma-holders have applied to post of Sub-Engineers but not all those who possess higher qualifications, either this Rule should have excluded in respect of candidates who possess higher qualifications or the position should have been made clear that degree-holder shall not be eligible to apply for such post. When that position is not clear but on the other hand the Rules do not disqualify per se the holders of higher qualifications in the same Faculty. It becomes clear that the Rule could be understood in an appropriate manner as stated above. In that view of the matter the order of the High Court cannot be sustained. In this case we are not concern with the question whether all those who possess such qualifications could have applied or not. When statutory Rules have been published and those Rules are applicable, it presupposes that everyone concerned with such appointments will be aware of such Rules or make himself aware of the Rules before making appropriate applications. The High Court,

therefore, is not justified in holding that recruitment of the applicants would amount to fraud on the public.”

II. **(2000) 2 SCC 655 Para 21-22**
Mohd. Riazul Usman Gani & Ors -vs- District & Session Judge, Nagpur & Ors.

“A criterion which has the effect of denying a candidate his right to be considered for the post on the principle that he is having higher qualification than prescribed cannot be rational.....”

III. **(2013) 15 SCC 557 Para 11**
State of Uttarakhand & Ors -Vs- Deep Chandra Tewari & Ano.

“we are conscious of the principle that when particular qualifications are prescribed for a post, the candidature of a candidate possessing higher qualification cannot be rejected on that basis. No doubt, normal rule would be that candidate with higher qualification is deemed to fulfill the lower qualification prescribed for a post. But that higher qualification has to be in the same channel.....”.

IV. **Order dated 6-11-2023 passed by the Hon’ble High Court of Jammu & Kashmir and Ladakh in WP (C) No. 24062021 in Ramnik Singh Vs UT of Jammu and Kashmir.**

“Para 11. ...decision of the writ petition turns on the determination of following issue:

“Whether a Degree in Electronics and Communication is a higher qualification in the same line than the Diploma in Electronics and Communication and, therefore, acquisition of degree qualification presupposes the acquisition of Diploma qualification in the same line.”

“Para 15.....It is true that, in the absence of any material on record, it would be difficult for a Court to come to a conclusion that degree in Electronics and Communication is a qualification higher than the minimum prescribed qualification i.e. Diploma in Electronics and

Communication and is in the same line. We will, however, advert to this aspect a little later and find out answer on the basis of material, if any, on record, suffice it to say that the Tribunal has not gone into this aspect of the matter. We make it clear that if, we ultimately come to a conclusion that Degree in Electronics and Communication is a qualification in the same line and higher than the minimum prescribed qualification i.e. Diploma in Electronics and Communication, then we have no doubt in mind that the qualification possessed by the petitioners herein presupposes the acquisition of Diploma in Electronics and Communication and, therefore, they cannot be declared ineligible to hold the posts in question”.

IMPERMISSIBILITY OF TAKING DIFFERENT STAND

V. **(2010) 9 SCC 655 Para 35 to 40**

Hari Bansal Lal -Vs- Sahodar Prasad Mahto & Ors.

“....we hold that it is impermissible for the State to take a different view in the absence of any change of circumstances”. Para 39.

VI. **(2011) 7 SCC 69 para 50, 51 & 53**

Amar Singh -vs- Union of India

“This court wants to make it clear that an action at law is not a game of chess. A litigant who comes to court and invokes its writ jurisdiction must come with clean hands. He cannot prevaricate and take inconsistent position”. Para 50.

VII. **(2018) 10 SCC 707 Para 12**

Suzuki Parasrampur Private Ltd -vs- Official Liquidator of Mahendra Petruochemicals Ltd. & Ors.

“a litigant can take different stands at different times but cannot take contradictory stands in the same case. A party cannot be permitted to approbate and reprobate on the same facts and take inconsistent shifting stands...”.

[6] Mr. Athouba Khaidem, learned Government Advocate for the State respondents, has fairly conceded that in the earlier occasion persons

similarly situated with the petitioners were promoted to the post of Fishery Officer without on the basis of higher qualification of having B.F.Sc. and M.F.Sc. on the ground that they have higher qualification in Fisheries. However, a departure is made in the subsequent review DPC of 2023 where the Government took a stand strictly following the recruitment rules where diploma/certificate in Fishery is a mandatory qualification from promotion to the post of Fishery Officer and in the circumstances, the petitioners were held to be ineligible for promotion to the post of Fishery Officer as they did not undergone training course of certificate/diploma in Fishery from the notified institute in the rules.

[7] In view of the inconsistent of the State Government with regard to the mandatory provision of undergoing training in Fishery in terms of column 11 of the recruitment rules, vide order dated 19-05-2025 passed by this Court in WP(C) No. 718 of 2023 & 6 Ors and in the midst of matter being part heard, this Court directed Mr. Athouba Kh., learned Government Advocate to take instructions with regard to the requirement of diploma/certificate in Fishery to those officers who have bachelor and master degree holders in Fishery Science for the purpose of promotion to the post. The relevant portion of the order reads as follows:—

“Mr. Kh. Athouba, learned GA for the State respondents is directed to take instructions with regard to requirement of Diploma/ Certificate in fishery to those officer who are Bachelor or Master Degree holder for promotion to the post of Fishery Officer.”

[8] In terms of the above direction, the Administrative Department (Fishery) filed an additional affidavit dated 21-07-2025. In the additional affidavit, it is stated that in the earlier litigation, i.e. WP(C) No. 617 of 2021, the State Government took a stand that those who possessed the

qualification of professional degree in B.F.Sc. and M.F.Sc. and rendered 3 years regular service are eligible for promotion and one Hemchandra Ningthoukhongjam possessing B.F.Sc. degree without diploma was held eligible and promoted on the basis of higher qualification vide order dated 07-11-2016. It is clarified in para 5 of the additional affidavit that a person possessing degree in Fisheries is not required to undergo diploma in Fisheries in terms of the clarification dated 20-09-2023 from the ICAR – Central Institute of Fisheries Education, Mumbai and in the additional affidavit, the State Government has clarified in para 7 that, the present writ petitioners are wrongly held as not eligible for not possessing diploma/certificate course during the service period and their B.F.Sc. and M.F.Sc. are only for the purpose of initial appointment. It is clarified that the persons having B.F.Sc. and M.F.Sc. certificates are eligible for promotion without undergoing training in Fisheries. This is reproduced as under:—

- i) The deponent submits that in the affidavit-in-opposition filed by the Government in W.P.(C) No. 617 of 2021, Government had taken its stand stating that those who possessed the qualification of professional Degree in Bachelor of Fishery Science (B.F.Sc.) and Master of Fishery Science (M.F.S.C) and rendered 3 (three) years regular service are eligible for the promotion to the post of Fishery Officer under criteria No. 1 of the existing RR.
- ii) The Department had given promotion to one Shri Hemchandra Ningthoukhongjam possessing B.F.Sc. degree without diploma treating the bachelor degree in Fishery Science as eligible qualification for promotion under the criteria for possessing Diploma having considered Bachelor's degree and Master degree

in Fishery Science as higher qualification than the Diploma in Fishery Science vide order dated 07-11-2016 which was also clearly indicated as eligible with 3 years regular service as reflected in the DPC of the promotion order.

- iii) It is also worthwhile to mention that the Director of Fisheries, Manipur sent clarification letter dated 23-07-2020 and 18-08-2020 addressed to the Addl. Chief Secretary (Fishery), Govt. of Manipur to the eligibility of the incumbents in term of the existing recruitment rules that diploma mentioned in the existing RR should be 2 (two) years course and possessing one year PGDIF & AM has to render at least 5 (five) years of regular service in the grade in order to be eligible for promotion to the post of Fishery Officer. Further, the same interpretation has also been made as the word "Diploma" in the existing RR is 2 (two) years course from Mumbai.
- iv) The deponent submits that a person possessing degree is not required to undergo diploma in the same subject as substantiated by clarification letter dated 20-09-2023 from the ICAR-Central Institute of Fisheries Education, Mumbai.
- v) The Director of Fisheries, Manipur sent the earlier clarification letter dated 20-09-2023 of ICAR-CIFE, Mumbai for re-verification as ICAR-CIFE, Mumbai is the premier institute the authority in the field of Fishery Science which runs the said diploma course on 23-05-2025. Thereafter, it is clarified in the Directorate email dated 30-05-2025 that the earlier clarification still stands valid as PGDIF & AM course is not required for candidates holding B.F.Sc./M.F.Sc. degree which meant that the B.F.Sc./M.F.Sc. is

not required to undergo diploma course for promotion to the post of Fishery Officer.

- vi) The deponent submits that due to bona fide mistake and inadvertence filed the affidavit-in-opposition on behalf of the Respondent No. 1, in the above said writ petition thereby stating that the present petitioners are not eligible for promotion to the post of Fishery Officer as they have not possessed the diploma course certificate during their service period, the degree of their B.F.Sc. and M.F.Sc. is only for the purpose of their initial appointment qualification and not for the promotion. Further, it is also inadvertently stated in the affidavit-in-opposition that the writ petitioners are not eligible for promotion to the post of Fishery Officer as they have not possessed diploma with 3 (three) years regular service in their respective grades and possessing 1 (one) year certificate in the Fishery Science from a recognised inland Fisheries obtained from a Centre recognised by CIFE with 5 (five) years regular service in their respective grades till now.
- vii) Accordingly, the deponent submits that PGDIF-AM is not required for those candidates holding B.F.Sc./M.F.Sc. degree as per the clarification from the Dean Academic ICAR-CIFE, Mumbai which is the premier institute of higher learning for Fisheries Science.

[9] The clarification from ICAR-Central Institute of Fisheries Education dated 20-09-2023 is reproduced hereinbelow:—

*“Dr. B.B. Nayak
Principal Scientist and Dean Academic*

*Mumbai
Dated 20/09/2023
DEAN/SEP/GEN-6/7*

TO WHOMSOEVER IT MAY CONCERN

It is to certify that the PGDIF-AM currently offered by ICAR-Central Institute of Fisheries Education, Kolkata Centre is mean for candidate holding general degree on B.Sc/M.Sc (Zoology and Other Biological Science) who have not acquired Knowledge on Fisheries and Aquaculture and following table shows the comparison of B.Sc and B.F.Sc degree

<i>Basic Degree</i>	<i>B.Sc</i>	<i>B.F.Sc</i>
<i>No. of years</i>	<i>3 Year Degree (Zoology Biological Science)</i>	<i>4 year Degree Only on Fisheries Science</i>
<i>Subject Specialized</i>	<i>Biological Science</i>	<i>Fisheries</i>
<i>Required to PGDIF</i>	<i>1 year required to orient the candidate to Fisheries and Aquaculture</i>	Not Required <i>(Student undergone all the Contents that taught in PGDIF-AM during their professional B.F.Sc degree)</i>

It is therefore clarified that PGDIF-AM is not required for candidates holding B.F.Sc/M.F.Sc degree

(B.B. Nayak)
Dean Academic
ICAR-Central Institute of Fisheries Education
Mumbai-400061”

[10] Mr. Athouba Khaidem, learned Government Advocate for the State respondents, submits that this Court may pass an appropriate order in this batch of writ petitions based on the stand of the State respondents as reflected in the additional affidavit dated 21-07-2025.

[11] Mrs. Momota Devi Oinam, learned senior counsel appearing on behalf of MPSC, submits that there is no illegality in the proceedings of the review DPC dated 18-09-2023 as the same has been conducted in terms of the mode of DPC submitted by the Administrative Department and strictly in terms of the recruitment rules. The recruitment rules made it mandatory for the candidate to attend training course in the Fisheries for the purpose of further promotion and since the petitioners herein admittedly did not attend the training course as required by the recruitment rules, they are rightly held

to be ineligible for the purpose of promotion and it is also submitted that the administrative instructions cannot overwrite the rules without amending the rules.

[12] Mr. M. Devananda, learned senior counsel assisted by Mr. K. Roshan, learned counsel appearing on behalf of the private respondents, submits that as per the recruitment rules, the petitioners did not attend in service training course in Fisheries for the purpose of promotion and the training course in Fisheries is a mandatory and such the petitioners were rightly held as not eligible as per the recruitment rules. The higher degree of the petitioners of B.F.Sc. and M.F.Sc. are for the purpose of initial recruitment in the feeder cadre and they are required to undergo training in Fishery during service. On the other hand, it is pointed out that the private respondents even though they did not have degree in fisheries, they have undergone the training course in Fisheries during service and they are rightly promoted to the next post of Fisheries. It is a settled law that seniors who are not eligible cannot be considered for promotion and in the circumstances, the petitioners were rightly not considered and there is no irregularities in the promotion of the private respondents to the post of Fishery Officer as they are eligible as per rules. The clarification by ICAR about non-mandatory nature of training in Fisheries cannot overwrite the rules. In terms of the stand of the State Government, the rules have to be first amended and only after that the petitioners can be considered for promotion. After the filing of the additional affidavit dated 21-07-2025 by the State, taking the stand that the persons with bachelor's and master's degree holders in Fishery Science do not require to undergo in service training course for Fisheries as contemplated in the rules for further promotion to Fishery Officer. He relies the decisions reported as (2002) 6 SCC 252,

(2007) 10 SCC 260, (2010) 11 SCC 694, (2007) 4 SCC 54, (2022) 1 SCC 347, (2017) 11 SCC 521 & (1994) 2 SCC 630.

[13] Learned senior counsel for the petitioners submits, on instructions, that the case of the petitioners may be considered on the basis of the new stand taken by the State that training in Fishery for graduate and master degree holder in Fisheries will not be required for promotion to Fishery Officer and they are not pursuing the challenge of promotion already made in terms of the existing rules and their case can be considered in terms of the new stand taken by the State as per clarification given by the Ministry in this regard. It is recorded in the order dated 24-09-2025 passed by this Court in WP(C) No. 718 of 2023 & 6 Ors. The relevant portion of the order is reproduced hereunder:—

“[2] In this batch of writ petitions, the petitioners approached this Court for a writ of declaring that they are eligible for promotion to the posts of Fishery Officer and it is also stated that they are not required to undergo Diploma/Certificate Course in Fishery as the petitioners are Graduate and Post Graduate Degree holders in Fishery after studying 4 years and plus 2 years of regular course in Fishery. As per the relevant recruitment rules of 1996, one of the eligibility criteria for promotion to the Fishery Officer is Graduate plus 3 years regular service in the feeder cadre and 1 year training Certificate/Diploma in Fishery from the notified institute. Admittedly, since the petitioners did not have the Diploma/Certificate Course in Fishery, they were held as ineligible for promotion as per recruitment rules. However, the State respondents have filed an affidavit dated 21-07-2025 stating the latest stand of the State Government that for the employees who have Bachelor and Master Degree in Fishery, they are not required to undergo Diploma or Certificate Course in Fishery in terms of the clarification by Central Government. However, from record, it seems

that there is a contemplation for amendment of the rules in this regard. The private respondents who have already promoted to the Fishery Officers are Bachelor and Master Degree holders in other subjects with one year Diploma/Certificate in Fishery from the notified institute and as such, even though they are junior to some of the writ petitioners, they were considered and promoted to higher post of Fishery Officers.

[3] *At this stage, Mr. M. Hemchandra, learned senior counsel and Mr. S. Dijeshwor, learned counsel for the petitioners, on instructions, submit that the petitioners' case may be considered on the basis of the new stand taken by the State that training in Fishery for Graduate and Master Degree holders in Fishery will not be required and in the circumstances, they are not pursuing the challenge to the promotion already made in terms of the existing rules and they may also be considered in terms of the new stand taken by the State in terms of the direction of the concerned Ministry of the Government of India."*

[14] Mr. M. Devananda, learned senior counsel for the private respondents submits that the case of the petitioners may be considered for future promotion as stated above without challenging the promotion of the private respondents. It is reiterated that their promotion was in terms of the existing RR.

[15] In the changed circumstances of the State Government having taken a clear stand with regard to the non-requirement of undergoing in-service training in fishery by officers from the feeder cadres having passed degree and master courses in fishery as core subject and reading together with the explanation from the ICAR in this regard and the undertakings of the petitioners during the course of hearing giving up challenge of promotion of the private respondents and confining the plea for consideration of their case for promotion to the post of Fishery Officer without undergoing in-

service training in fishery in terms of Column 11 of RR, this Court is of the opinion that these batch of writ petitions can be disposed of by passing some directions to the State respondents. However, before proceeding further, it will be relevant to refer to few case laws with reference to the interpretation of statute specially the golden rule.

[16] In the case of **State of M.P. v. Narmada Bachao Andolan: (2011) 7 SCC 639**, Hon'ble Supreme Court held that while interpreting a statute, any construction leading to absurdity is to be avoided. Relevant para are reproduced below:

78. Therefore, an interpretation having a social justice mandate is required. The statutory provision is to be read in a manner so as to do justice to all the parties. Any construction leading to confusion and absurdity must be avoided. The court has to find out the legislative intent and eschew the construction which will lead to absurdity and give rise to practical inconvenience or make the provision of the existing law nugatory. The construction that results in hardship, serious inconvenience or anomaly or gives unworkable and impracticable results, should be avoided. (*Vide Corporation Bank v. Saraswati Abharansala*⁶⁶ and *Sonic Surgical v. National Insurance Co. Ltd.*⁶⁷)

79. A reasonable construction agreeable to justice and reason is to be preferred to an irrational construction. The court has to prefer a more reasonable and just interpretation for the reason that there is always a presumption against the lawmaker intending injustice and unreasonability/irrationality, as opposed to a literal one and which does not fit in with the scheme of the Act. In case the natural meaning leads to mischievous consequences, it must be avoided by accepting the alternative construction. [*Vide Bihar State Council of Ayurvedic and Unani Medicine v. State of Bihar*⁶⁸ and *Mahmadhusen Abdulrahim Kalota Shaikh (2) v. Union of India*⁶⁹.]

80. The Court has not only to take a pragmatic view while interpreting a statutory provision, but must also consider the practical aspect of it. (*Vide Union of India v. Ranbaxy Laboratories Ltd.*⁷⁰)

81. In *Narashimaha Murthy v. Susheelabai*⁷¹ this Court held : (SCC p. 658, para 20)

“20. ... the purpose of [the] law is to prevent brooding sense of injustice. It is not the words of the law but the spirit and internal sense of it that makes the law meaningful.”

82. In *Workmen v. Dimakuchi Tea Estate*⁷² it has been held thus :

(AIR p. 356, para 9)

“9. ... the definition clause must be read in the context of the subject matter and scheme of the Act, and consistently with the objects and other provisions of the Act.”

83. In *Sk. Gulfan v. Sanat Kumar Ganguli*⁷³ it has been held as follows : (AIR p. 1845, para 19)

“19. ... Often enough, in interpreting a statutory provision, it becomes necessary to have regard to the subject-matter of the statute and the object which it is intended to achieve. That is why in deciding the true scope and effect of the relevant words in any statutory provision, the context in which the words occur, the object of the statute in which the provision is included, and the policy underlying the statute assume relevance and become material.”

84. Any interpretation which eludes or frustrates the recipient of justice is not to be followed. Justice means justice between both the parties. Justice is the virtue, by which the court gives to a man what is his due. Justice is an act of rendering what is right and equitable towards one who has suffered a wrong. The underlying idea is of balance. It means to give to each his right. Therefore, while tempering the justice with mercy, the court has to be very conscious that it has to do justice in exact conformity with the statutory requirements.

85. Thus, it is evident from the abovereferred law, that the court has to interpret a provision giving it a construction agreeable to reason and justice to all parties concerned, avoiding injustice, irrationality and mischievous consequences. The interpretation so made must not produce unworkable and impracticable results or cause unnecessary hardship, serious inconvenience or anomaly. The court also has to keep in mind the object of the legislation.

[17] Leading case for inapplicability of ‘literal interpretation’ is the English decision in the celebrated case of **Lee v. Knapp: (1966) 3 All ER 961**. The fact of the case is that a penal enactment requiring that the driver of a motor vehicle concerned or involved in an accident ‘shall stop’ and if required so to do by any person, give his name, address etc., was interpreted reasonably and it was held that ‘stop’ did not mean a mere momentary pause and in the context meant that the driver of the motor vehicle should stop the vehicle and remain where he has stopped it for a reasonable time as will provide a sufficient period to enable persons to require of him the information, i.e., names, addresses, etc. If literal

interpretation is adopted, mere momentary stoppage will be sufficient. However, this is not the object of the statute requiring stoppage by a driver of a vehicle involved in an accident and by applying purposive rule or golden rule, the court has interpreted the word 'stop' as stoppage for a reasonable period of time.

[18] From the above decisions, it is clear that any construction which will lead to absurdity and hardship has to be avoided. In the case in hand, the requirement of undergoing in-service training in fishery is basically meant for those incumbents who do not have fishery as a core subject and such training course is required to have a fair idea of the subject, when the incumbents are promoted to higher posts. However, compelling the incumbents with graduate and master degrees in fishery to undergo in-service basic training in fishery does not make any sense. This will not serve any meaningful purpose. It is just like a highly qualified person is compelled to undergo basic training in the same subject. This Court is of the view that considering the new stand of the State Government in its additional affidavit dated 21-07-2025 in terms of the clarification of ICAR- Central Institute of Fisheries Education, the requirement of in-service training in fishery as stipulated in Column 11 of the RR will not be applicable to the officers in the feeder cadres with B.F.Sc. and M.F.Sc. qualifications and the same is meant for those officers who do not study fishery as core subject in graduation and/or master courses. It is recommended that the State Government may introduce necessary amendment in the relevant rule in this regard. Till the rule is amended, it is directed that the training in fishery as contemplated in Column 11 of RR for Fishery Officer will not be applicable to incumbents with B.F.Sc. and M.F.Sc. courses, provided they are eligible as per other requirements.

[19] With these directions and observations, the writ petitions are disposed of. Misc. cases are closed. Interim order, if any, merges with the final order. Promotion of private respondents are upheld as the same has been considered strictly in terms of the RR. The petitioners who are B.F.Sc. and M.F.Sc., are eligible for promotion to the post of Fishery Officer without undergoing training in fishery in future vacancies. Since they become victim due to the inconsistent stand of the State Government, if possible, creating supernumerary posts in the cadre of Fishery Officer may be considered for these petitioners to compensate the loss and injury suffered by them. The petitioners are at liberty to submit representations to the authority in this regard. No cost.

JUDGE

FR/NFR

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