

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

WA No. 6 of 2024

Yambem Kamala Devi

...Appellant

- Versus -

State of Manipur and 7 Others

...Respondents

With MC(WA) No. 92 of 2024

B E F O R E

**HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

ORDER

29-04-2025

(D. Krishnakumar, C.J.),

[1] Heard Mr. K. Achouba, learned counsel, appearing for the appellant/applicant and Mr. Lenin Hijam, learned Advocate General assisted by Mr. Dimal Kumar Haobam, learned junior GA to Advocate General, appearing for the State respondents.

[2] Learned counsel appearing for the appellant would submit that the appellant is the senior most teacher of Cosmopolitan High School, Chingkhru (Govt. Aided), Imphal East. On retirement of the fourth respondent namely, Shri S. Mani Singh as Headmaster of Cosmopolitan High School, Chingkhru (Govt. Aided), Imphal East, the petitioner was made in-charge as headmistress vide order dated 28.03.2022 issued by the School Management Committee(Respondent No.3) and vide order dated 31.03.2022, the ZEO Zone-II, Government of Manipur acknowledged the same. Thereafter, vide order dated 22.04.2022 issued by Deputy Secretary(Education-S), Government of

Manipur, the service of the private respondent No.4 to 8 were extended for period of 1 year/2(two) years as per the office memorandum dated 27.03.2015 issued by the Department of Personnel and Administrative Reforms, Government of Manipur.

[3] Further, according to the petitioner by order dated 24.04.2022 issued by the Government of Manipur extending the service of the private respondent namely, S. Mani Singh as Headmaster of the Cosmopolitan High School further 2 (two) years which expired on 31.12.2012 and the said impugned order dated 24.04.2022 was under challenge before the writ court and considering the facts and circumstances of the case, the learned writ court passed the detail order by rejecting the claim of the appellant and dismissed the writ petition.

[4] Challenging the order of the learned Single Judge, the appellant has filed the intra court appeal before this Court on the following grounds.

[5] Learned counsel appearing for the appellant states that the appellant is the senior most teacher in the aforesaid school and she is fit for promotion to the post of Headmistress. By virtue of the impugned proceeding dated 22.04.2022, the service of the private respondent No. 4 has been extended as Headmaster of the School and therefore, the case of the appellant/petitioner was not considered by the writ court and hence, he submits that the order of the writ court is liable to set aside and the appellant/petitioner is entitled for other monetary benefits from the date of order passed by the respondent authority.

[6] The learned Advocate General appearing for the State respondents strongly objected the submission made by the learned counsel appearing for the appellant by stating that the appellant is not entitled for such relief as prayed for in the writ appeal. The learned Advocate General also submits that pursuant to the aforesaid order dated 22.04.2022 passed by the respondent authority, the service of the private respondent No. 4 was continued as Headmaster of the School till 31.12.2012. Subsequently, he retired from his service as Headmaster of the School and consequently, the appellant was appointed as Headmistress of the aforesaid School. In these circumstances, there is no order from this Court is required for consideration of appointment of the appellant as Headmistress of the School and the matter become infructuous on this ground alone. The said fact is not disputed by the learned counsel appearing for the appellant but the learned counsel is insisting upon this Court that the appellant is entitled for monetary benefits as per impugned order passed by the Education (S) Department, Government of Manipur.

[7] We have carefully perused the records and heard the submissions made by the parties.

[8] We observe that the prayer of the appellant is to consider for her appointment as Headmistress in the aforementioned School. There is also no such prayer for claiming/challenging the payment of any monetary benefits for the period when she was serving as in-charge Headmistress of the aforesaid School from the State Government. The appellant/writ petitioner should have come forward before the writ court with an amended prayer by seeking such relief of monetary benefits of the writ petitioner. But, the appellant/writ

petitioner failed to do so before the writ court. We also observe that the learned Single Judge elaborately discussed and considered the writ petition on merits and after due consideration, the writ court rejected the writ petition. So, we are not interfering with the order passed by the writ court. We also find no erroneous or illegality in the aforesaid order passed by the writ court.

[9] The appellant has sought for the prayer of granting monetary benefits to the appellant for the period of her in-charge Headmistress of the aforesaid School but consequently, the aforesaid period is expired. We also make it clear that the appellant is at liberty to make an application before the competent authority for claiming monetary benefits for the aforesaid period when she was serving as in-charge Headmistress of the aforesaid School. On receipt of such application, the competent authority shall consider the same as per rules.

[9] Therefore, this Court is of the view that nothing is required for adjudication in the instant writ appeal and consequently, the writ appeal is dismissed with no order as to cost and the connected miscellaneous application is also disposed of.

JUDGE

CHIEF JUSTICE

Sushil