

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

MC(WP(C)) No. 708 of 2024

1. Ch. Urmila Devi, aged about 55 years, D/o Ch. Radhacharan Singh of Kwakeithel Thiyam Leikai, P.O. & P.S. Imphal West, Imphal West District, Manipur, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur.
2. Th. Nanita Devi, aged about 53 years, W/o Maibam Ojit Singh of Singjamei Chingamathak Pishum Leirak, Imphal West District, Manipur presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur.
3. Abujam Illo Singh, aged about 54 years, S/o A. Babudhon Singh of Langjing Achouba, P.O. Langjing & P.S. Lamphel, Imphal West District, Manipur presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur.
4. Ksh. Geeta Devi, aged about 54 years, D/o Ksh. Shyamkanhai Singh of Naoremthong Khumanthem Leikai, Imphal West District, Manipur presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur.
5. Chongtham Surjit Singh, aged about 49 years, S/o Ch. Dhanakanta Singh of Singjamei Thongam Leikai, P.O. & P.S. Singjamei, Imphal West District, Manipur presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur.
6. Premita Heisnam, aged about 49 years, D/o Heisnam Jilla Singh of Pishum Thong Oinam Leikai, Imphal West District, Manipur presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur.
7. Heisnam Devananda Singh, aged about 56 years, S/o H. Ibomcha Singh of Sagolband Tera Sapam Leikai, Imphal West District, Manipur presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur.
8. Y. Dinshewor Singh, aged about 52 years, S/o Yumnam Dhakeshwor Singh of Keishamthong Elangbam Leikai, Imphal West District, Manipur presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur.

9. Akoijam Atingcha Angom, aged about 54 years, S/o AK. Raghumani Singh of Imphal West District, Manipur presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur.
10. Chongtham Jinalini Devi, aged about 47 years, D/o Ch. Jitendra Singh of Singjamei Sapam Leikai, P.O. & P.S. Singjamei, Imphal West District, Manipur presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur.
11. Karanchunglu Gangmei, aged about 39 years, D/o Luwangjao Gangmei of Langthabal Khoupum, P.O. Canchipur, Imphal West District, Manipur presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur.

...Applicants

- Versus -

1. Shri Chandam Lalitchandra, aged about 58 years, S/o (L) Ch. Gouro of Wangkhei Khunou near Citizen Club, P.O. & P.S. Porompat, Imphal West District, Manipur-795005.
2. Wahengbam Loken Singh, aged about 57 years, S/o (L) W. Lakshaman Singh of Wangoi Wahengbam Leikai, P.O. & P.S. Wangoi, Imphal West District, Manipur-795009.
3. Lairenjam Ningthemjao Singh, aged about 54 years, S/o L. Tolen Singh of Kakyai Makha Leikai, P.O. & P.S. Nambol, Bishnupur District, Manipur-795134.

...Principal Respondents

4. The State of Manipur represented by the Additional Chief Secretary/Principal Secretary/ Commissioner/ Secretary, Education (S), Government of Manipur, Secretariat South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
5. The Director of Education (S), Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
6. Kh. Mandakini Devi, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
7. B. Jayanti Devi, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.

8. K. Hemabati Devi, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
9. S. Rupali Devi, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
10. A. Jaichandra Singh, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
11. Qayamuddin Khan, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
12. Mubarak Ali, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
13. R.K. Thasana Devi, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
14. Shamo Yumnamcha, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
15. T. Prabin Meitei, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
16. Md. Mohammed Shah, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
17. Meinam Tombi Devi, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
18. N. Premjit Singh, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
19. Ningombam Megha Singh, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
20. Th. Somananda Singh, presently functioning Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
21. Okram Jagadish Singh, presently functioning as Graduate

- Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
22. Thiyam Premlata Devi, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
 23. P. Chandrakumar Singh, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
 24. Ranjeeta Devi Rajkumari, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
 25. N. Aruna Devi, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
 26. N. Manjor Singh, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
 27. Thingnam Thoibi Devi, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
 28. Yumnam Joy Singh, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
 29. Gurumayum Ajitkumar Sharma, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
 30. Kh. Nishikanta Singh, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
 31. Thoudam Jotinkumar Singh, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
 32. H. Nongyai Singh, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
 33. N. Kiranjit Meetei, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
 34. N. Omarendro Singh, presently functioning as Graduate Teachers, Directorate of Education (S), Government of

Manipur, P.O. & P.S. Lamphel, Manipur-795004.

35. Ch. Hemabati Devi, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
36. O. Ibochouba Singh, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
37. Md. Rafijuddin, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
38. N. Ibomcha Singh, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
39. Thongkholal Kipgen, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
40. Gangmei Aguna Rongmei, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
41. R.K. Leishisan, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
42. Lamremsiami, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
43. L. Pousheru, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
44. Thongkhosei Haokip, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
45. M. Sochipem, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
46. Jaangminthang Haokip, presently functioning Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
47. David Ramchullo, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.

48. Masowon Shaiza, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
49. Nathan Thanga Chiru, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
50. Langhu Mojesh Anal, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
51. Awungshi Ningreithem, presently functioning Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
52. Joyson Vashum, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
53. Shangngayung Thumra, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
54. Golmei Kumar Rongmei, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
55. Haominthang Vaiphei, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
56. DI. Meshil Maring, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
57. Aluana Panmei, presently functioning as Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.
58. Karanchunglu Gangmei, presently functioning Graduate Teachers, Directorate of Education (S), Government of Manipur, P.O. & P.S. Lamphel, Manipur-795004.

...Proforma Respondents

WITH

MC(WP(C)) No. 544 OF 2024

WITH

WP(C) No. 652 OF 2024

B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the applicants : Mr. M. Hemchandra, Sr. Adv.
For the writ petitioners/ : Mr. H.S. Paonam, Sr. Adv. &
respondents : Mrs. Ch. Sundari, GA
Date of hearing : 23-07-2025
Date of order : 04-08-2025

ORDER [CAV]

[1] Heard Mr. M. Hemchandra, learned senior counsel assisted by Mr. M. Rendy, learned counsel for the applicants; Mr. H.S. Paonam, learned senior counsel assisted by Mr. S. Gunabanta, learned counsel for the writ petitioners and Mrs. Ch. Sundari, learned Government Advocate for the State respondents.

[2] The present applicants in MC(WP(C)) No. 708 of 2024 are some of the private respondents in WP(C) No. 652 of 2024, whereas the respondent Nos. 6-58 are the remaining private respondents in the writ petition. The applicants approached this Court to review/rectify/modify/vacate the *ex parte* interim order dated 17-09-2024 passed by this Court in WP(C) No. 652 of 2024 with MC[WP(C)] No. 544 of 2024.

[3] The petitioners in WP(C) No. 652 of 2024 approached this Court for quashing and setting aside the impugned notification dated 30-08-2024 finalizing the seniority list of 63 eligible Graduate Teachers [the applicants and the respondent Nos. 6-58 herein] appointed before 01-01-2008 for promotion to the post of Lecturers of Higher Secondary Schools under the Department of Education (S), Manipur as the same was allegedly issued in

violation of interim order dated 02-06-2022 passed by this Court in WP(C) No. 407 of 2022. These 3 petitioners were appointed by promotion to the post of Graduate Teachers in Education (S), vide order dated 21-12-2013.

[4] The 3 writ petitioners herein and 20 others have already filed WP(C) No. 407 of 2022 titled as **N.S. Leishiwon & 22 Ors Vs. State of Manipur & 867 Ors** challenging the order dated 23-07-2020 for integrating and absorbing the private respondents therein as Graduate Teachers in the Department of Education (S), Manipur from the date of their initial appointment as Graduate Teachers and Upper Primary Teacher under RMSA and SSA Schemes conferring retrospective service benefits including seniority. The petitioners in WP(C) No. 652 of 2024 are also the petitioners in WP(C) No. 407 of 2022, being petitioner Nos. 19, 3 & 9 respectively. In doing so, the private respondents therein have been placed in the tentative seniority list of Graduate Teachers (both Original & Converted Groups) above the original appointees in the Education (S), Manipur. The petitioners herein and the petitioners in WP(C) No. 407 of 2022 were already appointed by promotion as Graduate Teachers vide order dated 21-12-2013. The prayers in WP(C) No. 407 of 2022 are reproduced as follows:—

- i. issue rule nisi and call for records;*
- ii. issue a writ in the nature of certiorari or any other appropriate writ or direction for quashing and setting aside the impugned order dated 23-07-2020 so far as integrating and absorbing the Private Respondents as Graduate Teachers in the Department of Education (S), Government of Manipur from the date of their initial appointment as Graduate Teachers and Upper Primary Teacher under the RMSA and SSA Scheme conferring retrospective*

service benefit including seniority as the same is illegal;

- iii. Issue a writ in the nature of certiorari or any other appropriate writ or direction for quashing and setting aside the impugned Notification dated 7-4-2022 so far as the positions of the Private Respondents No. 3 to 435 at Sl. No. 1004 to 1436 and Private Respondents No. 436 to 814 at Sl. No. 1486 to 1864 and the Private Respondents No. 815 to 868 at Sl. No. 1866, 1868, 1870, 1872, 1874, 1876, 1878, 1880, 1882, 1884, 1886, 1888, 1890, 1892, 1894, 1896, 1898, 1900, 1902, 1904, 1906, 1908, 1910, 1912, 1914, 1916, 1918, 1920, 1922, 1924, 1926, 1928, 1930, 1932, 1934, 1936, 1938, 1940, 1942, 1944, 1946, 1948, 1950, 1952, 1954, 1956, 1958, 1960, 1962, 1964, 1966, 1968, 1970 and 1972 of the Tentative Seniority List wherein those appointed as Graduate Teachers and Upper Primary Teacher under the RMSA and SSA Scheme by conferring retrospective service benefits including seniority are placed higher than the petitioners who were appointed as Graduate Teachers prior to the integration and absorption of the Private Respondents as the same is illegal and based on non-application of mind;*
- iv. direct the respondents to consider the case of the petitioners for promotion to the post of Lecturer by considering that they are seniority to the private respondents in terms of earlier process for promotion vide Office Letter No. AO/70/PGT/2010(6)-DE(S)Pt(II) dated 26-03-2021;*
- v. In the interim, pass an appropriate interim order for restraining the State respondent from finalizing seniority Tentative Seniority List of Graduate Teacher vide Notification dated 7-4-2022 so far as the Private Respondents and writ petitioners are concerned during the pendency of the present case for protecting the right and interest of the present petitioners;*
AND
- vi. pass such further order/orders or direction/directions as this*

Hon'ble Court deem fit and proper in the circumstances of the case."

[5] Vide order dated 02-06-2022 passed by this Court in WP(C) No. 407 of 2022, the State respondents were directed not to finalize the tentative seniority list of Graduate Teachers (both Original & Converted Groups) of the Department of Education (S), Manipur notified by the notification dated 07-04-2022 till the next returnable date. It is stated that the interim order dated 02-06-2022 has been extended from time to time.

[6] The main prayer in WP(C) No. 652 of 2024 is that the impugned notification dated 30-08-2024 finalizing the seniority list of 63 eligible Graduate Teachers appointed before 01-01-2008 for promotion to the post of Lecturers of Higher Secondary Schools under the Department of Education (S), Manipur was in violation of interim order dated 02-06-2022 passed by this Court in WP(C) No. 407 of 2022. Following prayers have been sought by the petitioners in WP(C) No. 652 of 2024:—

- i. issue rule nisi and call for records.*
- ii. Issue a writ in the nature of certiorari or any other appropriate writ or direction for quashing and setting aside the impugned Notification dated 30-08-2024 finalizing the Seniority List of 63 Eligible Graduate Teachers appointed before 01-01-2008 for promotion to the post of Lecturers of Higher Secondary Schools under the Department of Education (S), Manipur as the same is issued in violation of interim order dated 02-06-2022 passed in WP(C) No. 407 of 2022.*
- iii. Issue an appropriate direction for ventilating the grievances of the present petitioners.*

AND

iv. *Pass such order/orders or direction/directions as this Hon'ble Court deem fit and proper in the circumstances of the case."*

[7] In the circumstances, when the matter was taken up on 17-09-2024 in WP(C) No. 652 of 2024, this Court suspended the notification dated 30-08-2024 fixing the final seniority list of the Graduate Teachers in the Department of Education (S), Government of Manipur until further orders. The relevant para No. 9 is reproduced as follows:—

"[9] Considering the existence of the interim order dated 02.06.2024 passed in WP(C) No. 407 of 2022 of staying the finalization of the final seniority list of the Graduate Teachers of Department of Education (S), Government of Manipur, the notification dated 30.08.2024 fixing the final seniority list of the Graduate Teachers in the Department of Education (S), Government of Manipur is kept under suspension until further orders."

[8] It is the case of the applicants that the dispute in WP(C) No. 407 of 2022 is between the Graduate Teachers who were appointed by promotion vide order dated 21-12-2013 and the private respondents who were absorbed as regular Graduate Teachers into the Department of Education (S), Manipur vide order dated 23-07-2020. The main issue in WP(C) No. 407 of 2022 is mainly with respect to the *inter se* seniority list of the Graduate Teachers who were originally appointed on promotion under the Department of Education (S), Manipur vide order dated 21-12-2013 and those who were absorbed from RMSA and SSA Schemes as Graduate Teachers with retrospective effect vide order dated 23-07-2020. It is the specific case of the applicants herein that they are not parties in WP(C) No.

407 of 2022. It is stated that the applicants and the private respondents in WP(C) No. 652 of 2024 were appointed prior to 01-01-2008 and therefore, their seniority list has no connection with the parties before this Court in WP(C) No. 407 of 2022. It is also stated that the fixation of seniority list of Graduate Teachers vide order dated 30-08-2024 for those Graduate Teachers appointed before 01-01-2008 will not at all affect the merit of the case, i.e., the *inter se* seniority list of the parties in WP(C) No. 407 of 2022.

[9] Mr. M. Hemchandra, learned senior counsel for the applicants, submits that by misinterpretation of the interim order dated 02-06-2022 passed by this Court in WP(C) No. 407 of 2022, the seniority list dated 30-08-2024 of the Graduate Teachers appointed before 01-01-2008 had been stayed by this Court vide order dated 17-09-2024 in WP(C) No. 652 of 2024. Learned senior counsel for the applicants has also further stated that the fixation of seniority by the notification dated 30-08-2024 for the Graduate Teachers appointed before 01-01-2008 will not at all affect the *inter se* seniority list of the parties in WP(C) No. 407 of 2022 on the ground that they were appointed in the years 2011, 2012, 2013, 2014, 2015 and 2016. It is also stated that the interim order dated 02-06-2022 in WP(C) No. 407 of 2022 cannot be interpreted as a stay on seniority list of all Graduate Teachers recruited in different years. Mr. M. Hemchandra, learned senior counsel for the applicants, has pointed out that on minute reading of the relevant portion of the order dated 02-06-2022, it will be crystal clear that the stay on the fixation of seniority list is between the Graduate Teachers for the original group and the converted group, thereby meaning that the writ

petitioners who were appointed in the year 2013 and the converted group who were initially appointed in the years 2011, 2012, 2014, 2015 and 2016 and absorbed in the year 2020. Learned senior counsel further submits that the interim order cannot go beyond the main relief. Learned senior counsel draws the attention of this Court to the prayer made by the petitioners in WP(C) No. 407 of 2022 where it is clearly seen that their grievance is against the absorption of Graduate Teachers from RMSA and SSA Schemes who were appointed in the years 2011, 2012, 2014, 2015 and 2016 and absorbed in the year, 2020 vide order 23-07-2020. It is emphasized that the interim order dated 02-06-2022 in WP(C) No. 407 of 2022 shall confine to the stay on the finalization of seniority list of Graduate Teachers (original and converted groups) of the year 2011-2016 respectively. It is also pointed out that some of the applicants in the present application and the private respondents in WP(C) No. 652 of 2024 have already retired from service and some are going to retire very soon. If the interim order dated 17-09-2024 passed by this Court in WP(C) No. 652 of 2024 with MC(WP(C)) No. 544 of 2024 is not vacated or modified, the applicants and the private respondents in WP(C) No. 652 of 2024 shall suffer immensely.

[10] During the course of hearing, Mr. M. Hemchandra, learned senior counsel for the applicants, also refer to a letter dated 05-01-2024 submitted by the Director of Education (S), Manipur to the Commissioner, Education (S), Government of Manipur proposing for fixation of seniority list. It was observed that the seniority list of Graduate Teachers appointed/regularized on or before the year 2022 could not be finalized due to the pendency of

WP(C) No. 407 of 2022 specially the interim order dated 02-06-2022. However, it was clarified in the letter that the latest final seniority list of Graduate Teachers could be categorized into 3 groups — (i) Graduate Teachers appointed on or before 02-12-1987, (ii) Graduate Teachers who were appointed/ promoted during the period between 02-12-1987 and 19-04-2007 and (iii) Graduate Teachers who were appointed on 19-04-2007 and these 3 groups of Graduate Teachers who were appointed on or before 19-04-2007 are not affected by the ongoing Court case being WP(C) No. 407 of 2022 and the final seniority list of these 3 sets of Graduate Teachers appointed prior to 01-01-2008 may be finalized. Accordingly, the notification dated 30-08-2024 has been finalized by the Department of Education (S), Government of Manipur for the Graduate Teachers appointed before 01-01-2008. It is prayed that the interim order be vacated and the applicants and the private respondents in WP(C) No. 652 of 2024 may be allowed to get the benefits of further promotion, as some of them have already retired and some are going to retire very soon.

[11] Mrs. Ch. Sundari, learned Government Advocate for the State respondents, has adopted the submissions made by the learned senior counsel for the applicants. Mrs. Ch. Sundari, learned Government Advocate, has also clarified that the Graduate Teachers appointed prior to 01-01-2008 have nothing to do with the parties in WP(C) No. 407 of 2022 who were appointed in the years 2011, 2012, 2013, 2014, 2015 & 2016 and absorbed in the year 2020 with retrospective effect. It is prayed that the interim order may be vacated and the State Government may be permitted to undergo

further process of promotion.

[12] On the other hand, Mr. H.S. Paonam, learned senior counsel for the writ petitioners, submits that the interim order dated 02-06-2022 passed by this Court in WP(C) No. 407 of 2022 is a general order directing the State Government not to finalize the seniority list of Graduate Teachers both original and converted groups. Learned senior counsel clarifies that the 'original' means the all the Graduate Teachers appointed in the Department of Education (S) and hence, the applicants and the private respondents in WP(C) No. 652 of 2024 who were appointed prior to 01-01-2008 would also fall within the definition of original Graduate Teacher so as to attract bar of interim order dated 02-06-2022. It is stated that the present applicants should have filed an application for vacating the interim order dated 02-06-2022 passed by this Court in WP(C) No. 407 of 2022. It is submitted that the impugned order dated 30-08-2024 issued by the State Government finalizing the seniority list of Graduate Teachers appointed before 01-01-2008 for promotion to the post of Lecturers of Higher Secondary Schools under the Department of Education (S), Manipur would be barred by the interim order dated 02-06-2022. It is also stated that the applicants and the private respondents have not challenged the tentative list of Graduate Teachers holding Master Degree with 50% marks and above dated 01-10-2019 issued by the State Government. It is prayed that the present application be dismissed as not maintainable.

[13] This Court has perused the material on record, considered the submissions made at the Bar and the relevant provisions of law in this regard

and the impugned notification dated 30-08-2024 issued by the Government finalizing the seniority list of 63 eligible Graduate Teachers appointed before 01-01-2008 for promotion to the post of Lecturers of Higher Secondary Schools under the Department of Education (S), Manipur. It is also an admitted fact that the applicants and the private respondents in WP(C) No. 652 of 2024 were not a party in WP(C) No. 407 of 2022. It is also an admitted fact that the petitioners in WP(C) No. 407 of 2022 were appointed as regular Graduate Teachers in the Department of Education (S), Government of Manipur in the year 2013 and the private respondents in WP(C) No. 407 of 2022 were initially appointed in RMSA and SSA Schemes in the years 2011, 2012, 2014, 2015 and 2016 and their service were absorbed as regular Graduate Teachers in the Department of Education (S), Manipur dated 23-07-2020 with retrospective effect including the seniority. In the circumstances, the absorbed employees vide order dated 23-07-2020 are placed en bloc senior to the petitioners therein. On perusal of the prayers in WP(C) No. 407 of 2022, it is seen that the issue is the *inter se* seniority of the writ petitioners who were appointed in the year 2013 and the private respondents who were initially appointed under the schemes in the years 2011, 2012, 2014, 2015 and 2016 and absorbed in the year 2020 with retrospective effect. It is also an admitted fact that the applicants and the private respondents in WP(C) No. 652 of 2024 are not the parties in WP(C) No. 407 of 2022. Even if the seniority list of the Graduate Teachers appointed before 01-01-2008 vide notification dated 30-08-2024 is finalized, the same will not affect the merit of the case of the parties in WP(C) No. 407

of 2022 who have been appointed during the years 2011 to 2016. This Court is of the opinion that the impugned seniority list dated 30-08-2024 finalizing the seniority list of Graduate Teachers appointed prior to 01-01-2008 has no connection, even remotely, with the seniority list of the parties involved in WP(C) No. 407 of 2022. It is a settled proposition of law that the interim relief cannot go beyond the main relief prayed for in the writ petition. This Court does not find any merit in the submission of Mr. H.S. Paonam, learned senior counsel for the writ petitioners in WP(C) No. 652 of 2024 that the interim order dated 02-06-2022 passed by this Court in WP(C) No. 407 of 2022 shall operate as a bar to the finalization of seniority list of Graduate Teachers in the Department of Education (S), Manipur appointed in different years. It will be fruitful to refer the decision of Hon'ble Supreme Court in the case of **Mrs. Akella Lalitha vs. Sri Konda Hanumantha Rao & Anr, 2022 LiveLaw (SC) 638** where it is pointed out that relief not found on pleadings should not be granted. If a Court considers or grants a relief for which no prayer or pleading was made depriving the respondent of an opportunity to oppose or resist such relief, it would lead to miscarriage of justice.

In the case of **Bharat Amratlal Kothari & Anr. Vs. Dosukhan Samadkhan Sindhi & Ors., AIR 2010 SC 475**, it is pointed out that:—

"Though the Court has very wide discretion in granting relief, the Court, however, cannot, ignoring and keeping aside the norms and principles governing grant of relief, grant a relief not even prayed for by the petitioner."

The relevant para 14

".....14. The approach of the High Court in granting relief not prayed for cannot be approved by this Court. Every petition under Article 226

of the Constitution must contain a relief clause. Whenever the petitioner is entitled or is claiming more than one relief, he must pray for all the reliefs. Under the provisions of the Code of Civil Procedure, 1908, if the plaintiff omits, except with the leave of the court, to sue for any particular relief which he is entitled to get, he will not afterwards be allowed to sue in respect of the portion so omitted or relinquished. Though the provisions of the Code are not made applicable to the proceedings under Article 226 of the Constitution, the general principles made in the Civil Procedure Code will apply even to writ petitions. It is, therefore, incumbent on the petitioner to claim all reliefs he seeks from the court. Normally, the court will grant only those reliefs specifically prayed by the petitioner. Though the court has very wide discretion in granting relief, the court, however, cannot, ignoring and keeping aside the norms and principles governing grant of relief, grant a relief not even prayed for by the petitioner.

M/S Rajasthan Art Emporium -Versus- Kuwait Airways and Anr, 2023 INSC 996,

Relevant Para 24 — It is a trite law that a party is not entitled to seek relief which he has not prayed for.

John Vergese Vs. Gracy Vergese MANU/MH/0598/2006

Relevant para 11 — Petition seeking review of the order directing the applicant No. 1 to deposit an amount with the Registry of Court to meet the educational expenses of his two children, who were presently under the care of the Respondent/original Petitioner - Held, if no such claim for relief was put forward in the suit or proceedings or petition, it means that there was no occasion for investigation of such a claim in the proceedings, or petition or suit, there could be no justification for the grant of an interim relief which would not only just lapse on the termination of the proceedings, but which

would leave the parties in the same position in which they were before the institution of the suit, in the course of which the interim relief was sought and obtained - That was not the scope of grant of interim relief - Order to the extent it travels beyond the scope of the petition or the prayer for interim relief, was liable to be reviewed - Hence, review petition allowed.

The State of Orissa Vs. Madan Gopal Rungta MANU/SC/0012/1951

Relevant Para 7 — On behalf of the appellant it was urged that the Court had no jurisdiction to pass such orders under article 226 under the circumstances of the case. This is not a where the Court before finally disposing of a petition under article 226 gave directions in the nature of interim relief for the purpose of maintaining the status quo. The question which we have to determine is whether direction in the nature of interim relief only could be granted under Article 226, when the Court expressly stated that it refrained from determining the rights of the parties on which a writ of mandamus or directions of a like nature could be issued. In our opinion, Article 226 cannot be used for the purpose of giving interim relief as the only and final relief on the application as the High Court has purported to do. The directions have been given here only to convert the provisions of section 80 of the Civil Procedure Code, and in your opinion that is not within the scope of Article 226. An interim relief can be granted only in aid of and as ancillary to the main relief which may be available to the party on final determination of his rights in suit or proceeding.

[14] From the above decisions, it is clear that the interim relief cannot go beyond the main relief prayed for in the main petition. Even if the Court has a power to grant relief not prayed for, it has to consider all the

circumstances so that the rights of the others who are not party before the Court would not be affected. In the present case, on perusal of the prayers in the main relief in WP(C) No. 407 of 2022, the primary dispute is between the writ petitioners herein appointed in the year 2013 and the private respondents who were appointed in the years 2011, 2012, 2014, 2015 and 2016 and absorbed in the year 2020 with retrospective effect including seniority. This Court is of the view that the impugned seniority list dated 30-08-2024 of pre-2008 appointees does not affect the case of the parties in WP(C) No. 407 of 2022 who are post-2011 appointees. Keeping in mind the main relief, the interim order dated 02-06-2022 passed by this Court in WP(C) No. 407 of 2022 regarding prohibiting the State Government from finalizing the seniority list of the original and the converted groups of Graduate Teachers should confine to the parties therein, that is, the Graduate Teachers appointed in the year 2013 and the Graduate Teachers appointed in the years 2011, 2012, 2014, 2015 & 2016 under RMSA but absorbed in the year 2020 with full retrospective effect including seniority.

[15] In the circumstances, this Court is of the view that the interim order dated 02-06-2022 passed by this Court in WP(C) No. 407 of 2022 cannot be overstretched to include all the seniority lists of all the Lecturers appointed prior to 01-01-2008. It is not disputed by the writ petitioners herein that the applicants and the private respondents in WP(C) No. 652 of 2024 have been appointed prior to 01-01-2008. In the circumstances, it is clarified that the interim order dated 02-06-2022 passed by this Court in WP(C) No. 407 of 2022 cannot be invoked to stay the final seniority list dated 30-08-2024 for

the Graduate Teachers appointed before 01-01-2008, as the same does not affect the inter se seniority list of the parties in WP(C) No. 407 of 2022 who are post-2011 appointees. Accordingly, the interim order dated 17-09-2024 in WP(C) No. 652 of 2024, staying the final seniority list dated 30-08-2024 of 63 eligible Graduate Teachers appointed before 01-01-2008, is vacated. State Government may expedite the process for promotion in terms of the seniority list dated 30-08-2024, as some of the Graduate Teachers of pre-2008 appointees have already retired and some more are going to retire soon.

[16] With this observation and direction, MC(WP(C)) No. 708 of 2024 is allowed and disposed of and MC(WP(C)) No. 544 of 2024 is also disposed of as infructuous in terms of the above observations and directions.

[17] List WP(C) No. 652 of 2024 on **18-08-2025** for further proceedings.

JUDGE

FR/NFR

Victoria