LAISHRAM DHAKESHORI DEVI
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Item No. 45

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 89 of 2025

Paonam Sunibala Devi ...*Petitioner/s*

Vrs.

State of Manipur & 2 ors. ...*Respondent/s*

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

27.02.2026

Heard Mr. BP Sahu, learned senior counsel assisted by Mr. Abhishek Sahu, learned counsel appearing for the petitioner through VC and also heard Mr. Th. Vashum, learned GA appearing for all the respondents.

[2] The fact of the present writ petition is that the Chief Engineer, PHED issued a notification dated 21-02-2023 inviting applications from the intending candidates for filling up 91 posts of Section Officer - Grade I and 7 posts of Section Officer Grade-II in the Public Health Engineering Department (PHED), Govt. of Manipur on contract basis for a period of one year. Under the said notification, out of the 91 advertised posts of Section Officer Grade-I (Civil), 3 posts of Section Officer Grade-I (Civil) are earmarked and reserved for the Differently Abled Persons. The said 3 posts are earmarked as under:-

"1(one) post for Locomotors disability or cerebral palsy. (Horizontal Reservation)

1(one) post for Hearing impairment. (Horizontal Reservation)

1(one) post for Autism, intellectual disability, specific learning ability, mental illness & multiple disabilities. (Horizontal Reservation)"

[3] The petitioner who is a Differently Abled Person having disability type of mental illness being eligible and qualified for the said one post of Section Officer Grade-I (Civil) reserved for persons having Autism, intellectual disability, specific learning ability, mental illness & multiple disabilities applied for the same and joined the selection process.

[4] By an Office Order No. 183 dated 08-03-2024 issued by the Chief Engineer, PHED, Govt. of Manipur, altogether 91 selected candidates were appointed on contract basis against the aforesaid advertised posts of Section Officer Grade-I in the PHED.

[5] The grievance of the petitioner is that even though in the aforesaid notification dated 21-02-2023, 3 (three) posts of Section Officer Grade-I (Civil) were reserved for the persons with Differently Abled Persons, the authorities did not appoint any Differently Abled Persons against the 3 reserved posts and all the 91(ninety one) post

of Section Officer Grade-I were filled up by appointing candidates who do not belonging to the category of Differently Abled Persons

[6] It is the case of the petitioner that as 3 posts of Section Officer Grade-I (Civil) have been reserved for the Differently Abled Persons under the said notification dated 21-02-2023, the said posts are to be filled up only by persons belonging to the category of Differently Abled Persons. As the petitioner is also an eligible and qualified candidate belonging to the Differently Abled Persons category, non consideration of her case for appointment as Section Officer Grade-I (Civil) against the 3(three) reserved posts is arbitrary and illegal. Hence, the present writ petition has been filed with the prayer for directing the respondents to appoint the petitioner in terms of the notification dated 21-02-2023.

[7] An affidavit-in-opposition on behalf of the respondent Nos. 1 & 2 have been field and in paragraph No. 4 of the said affidavit, it has been averred that due to bonafide mistake 3(three) posts of Section Officer Grade-I (Civil) reserved for Differently Abled Persons were not given to persons belonging to the category of Differently Abled Persons. However, the Department is under process for appointment of physically disable persons against the said 3(three)

advertised posts. For ready reference, paragraph No. 4 of the affidavit-in-opposition is quoted below :-

> "4. That, with reference to Para No. 5 of the Writ Petition, the deponent begs to submit that in the Notification dated 21-02-2023, 3(three) posts of Civil Engineering (Section Officer-I) was incorporated for physically disable persons in the said Notification. However, due to bonafide mistake, the said 3(three) posts of Civil Engineering (Section Officer-I) was not given to physically disable persons. However, the Department is under process for appointment of 3(three) posts of physically disable persons."

[8] By drawing the attention of this Court at paragraph No. 4 of the said affidavit-in-opposition which is quoted herein above, the learned senior counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents jointly submitted that the present writ petition can be disposed of by directing the respondents to consider the cases of the candidates belonging to Differently Abled Persons, who have applied for the said 3(three) posts pursuant to the Notification dated 21-02-2023 and to appoint the 3 (three) most qualified and meritorious candidates against the 3(three) posts reserved for Differently Abled Persons.

[9] In view of the joint submission made by the learned counsel appearing for the parties and the averments made in the present writ petition as well as in the affidavit-in-opposition filed on behalf of the respondent Nos. 1 & 2, this Court is of the considered view that it will be in the interest of justice to issue the following directions :-

(1) The Commissioner, PHED, Government of Manipur (Respondent No. 2) and the Chief Engineer, PHED, Government of Manipur (Respondent No. 3) are hereby directed to consider the case of all the candidates belonging to the category of Differently Abled Persons including the present petitioner, who have applied for the advertised posts of Section Officer Grade-I (Civil) pursuant to the Notification dated 21-02-2023 and to select the 3(three) most qualified and meritorious candidates for appointment against the 3(three) reserved posts of Section Officer Grade-I (Civil) reserved for Differently Abled Persons.

(2) After selection of the three most qualified and meritorious candidates as directed above, the selected candidates should be appointed against the three posts reserved for the Differently Abled Persons with effect from the date the other 91 (ninety one) candidates had been appointed, i.e.

w.e.f. 08-03-2024 notionally and without any financial benefits. However, they will be entitled to other service protections including seniority and pay upgradation.

(3) The whole process should be completed within a period of two months from the date of receipt of a certified copy of this order.

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

JUDGE

Dhakeshori