

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

WP(C) No. 165 of 2023

Ningombam Shitaljit Singh

... *Petitioner*

- *Versus* -

State of Manipur and 3 Ors.

... *Respondents*

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

ORDER

02.09.2026

[1] Heard Mr. Kh. Tarunkumar, learned sr. counsel assisted by Ms. Kh. Maria, learned counsel on behalf of the petitioner and Mr. Th. Sukumar, learned GA on behalf of the State respondents.

[2] By the present petition, the petitioner challenges the suspension order dated 13.02.2023 suspending him under Section II Clause 3(i) (a) & (b) of the Manipur Education Code by the Governing Body of Naorem Birahari College in contemplation of disciplinary proceeding against him. The main ground for challenge is that suspension order dated 13.02.2023 has neither been reviewed nor extended; and the enquiry is not completed till date. It is submitted that impugned suspension order dated 13.02.2023 be set aside.

[3] Mr. Th. Sukumar, learned GA refers to the 'para 11' of the counter affidavit filed by the State respondents to the point that the Governing Body of the Aided College is to look after all administrative and internal affairs of the College including appointment, suspension, work allocation of teacher and non-teaching staffs as per Manipur Education Code, 1982. The Director of University & Higher Education, Govt. of Manipur gives approval to the resolution submitted by the duly constituted Governing Body of Aided College and suspension of the employee and paying subsistence allowance is the outlook of the Governing Body

of the College. None appears on behalf of the College; however, they filed a counter affidavit stating that the suspension order was in terms of the memorandum of charge dated 23.03.2023 for misconduct due to unauthorized absence and misuse of funds. However, nothing is stated about the extension of the period of suspension.

[4] Mr. Kh. Tarunkumar, learned sr. counsel for the petitioner has drawn the attention of this Court to a decision of this Court in the case of "**Khaidem Suchitra Chanu vs. State of Manipur & 2 Ors.**" in WP(C) No. 842 of 2023 in order dated 14.07.2026 reported in **2026:MNHC:134** whereas, this Court observed that in case of Aided College, where suspension has been prescribed under Section II, Clause 3(i) (a) & (b) of Manipur Education Code, 1982, there is no corresponding provisions for regulating the period of suspension after expiry of 90 days, unlike as prescribed under Rule 10 of CCS (CCA) Rules, 1965. In that order, this Court held that, where the Manipur Education Code, 1982 is silent about the extension and review of the period of suspension, the provision of CCS (CCA) Rules, 1965 especially, Rule 10 Sub Rule 6 which contemplated review of suspension before expiry of 90 days, will be applicable. If the suspension order is not reviewed before the expiry of 90 days, the order of suspension will automatically lapse. It is submitted that the suspension order dated 13.02.2023 has neither been review nor extended as contemplated under the Rule 10 of CCS (CCA) Rules, 1965 and by the above cited order of **Kh. Suchitra Chanu (supra)**, the suspension order automatically lapses and is liable to be set aside. Relevant para of the judgment reported as **2026:MNHC:134** is reproduced as below:

"[10] This Court has considered the materials on record and submissions made at the Bar. Service of petitioner is regulated by Manipur Education Code and even though suspension is provided, period of suspension is not provided in the Code. It will be fruitful to rely on the principles laid down in Rule 10 Sub Rule 6 of CCS (CCA) Rules, 1965 which provided that suspension order should be reviewed before expiry of 90 days and if the same is not done, the suspension order, automatically

expires. Since State Government has taken over Aided College, i.e. Biramangol College, Sawombung, all rights, liabilities and assets, etc. of the erstwhile Aided College has been vested to the State Government and State Government has every right to pass appropriate order in terms of relevant Rules. Admittedly suspension order dated 30.08.2014 has not been revoked or extended by any subsequent order and same shall lapse on expiry of 90 days, by applying principles of Rule 10 Sub Rule 6 of CCS (CCA) Rules, 1965. When Manipur Education Code is silent on the period of suspension pending enquiry, an employee cannot be placed under suspension for an indefinite period that too without any review. In such circumstances, the principles laid down in Rule 10 of CCS (CCA) Rules, 1965 would be applicable. In the present case, no departmental proceeding has been initiated against the petitioner. In the circumstances, the suspension order dated 30.08.2014 cannot be sustained. Since name of the petitioner has already been considered and recommended by the Verifying Committee in its proceedings dated 30.12.2022, respondents are directed to consider her case for absorption in the newly converted Government College, i.e. Biramangol College, keeping in mind that Mr. Aldrin Nahakpam, whose service was terminated has already been absorbed by the Government.”

[5] This Court has considered the materials on record and the decision of **Kh. Suchitra Chanu (supra)** case.

[6] Admittedly, Naorem Birahari College is an Aided College regulated under Manipur Education Code, 1982. As already held in **Kh. Suchitra Chanu (supra)** case, when the provision for regulations of review or extension of the suspension period is absent in Manipur Education Code, the provision of Rules 10 CCS (CCA) Rules, 1965 will be applicable. Since suspension order dated 13.02.2023 is not extended nor reviewed by the competent authority, the same will automatically lapse on the expiry of 90 days. Accordingly, this Court does not have any hesitation in setting aside the suspension order dated 13.02.2023;

and accordingly, petitioner is reinstated to service. Regarding the period of subsistence allowance and other admissible remuneration and allowance, the petitioner may submit a fresh representation to the authority and the same shall be considered as per rule.

[7] With these observations, WP(C) No. 165 of 2023 is allowed and disposed of.

JUDGE

Thoiba