



REPORTABLE

Item No. 11 - 12

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

W.P.(C) No. 249 of 2026

1. Namoijam Jeetu, aged about 56 years, S/o (Late) Shyamkishore Singh of Khagempalli Panthak, PO & PS Imphal West District, Manipur-795001
2. Arambam Satyabrata aged about 38 years, S/o Arambam Ranjit Singh of Sagolband Bijoygovinda Mantri Leikai, Imphal West District, Manipur-795001
3. Chongtham Bimol aged about 43 years, S/o Ch. Meghachandra of Singjamei Wangma Bheigyabati Leikai, Imphal -795008
4. Sonia Ahongshangbam, aged about 29 years D/o A. Bharjit Singh of Athokpam Khunou, Thoubal District, Manipur-795138
5. Kundongbam Sundarita Chanu, aged about 35 years, S/o Kh. Rajen Meitei of Heirok Part-II Bazar, Thoubal District, Manipur-795148
6. Oinam Shaya Devi aged about 36 years D/o Oinam Binoy Singh of Palace Compound, near Advance Hospital, Imphal East District, Manipur-795005
7. Gaininglung Malangmei aged about 36 years, S/o Landingam Malangmei of Satudai, Tamenglong District, Manipur-795147
8. Gitchandra Oinam, aged about 42 years, S/o Oinam Biren Singh of Singjamei Oinam Thingel, Imphal West District, Manipur-795008



9. L. Taruba aged about 38 years, S/o Luikham of New Magamei Village, P.O. Maram Bazar, Senapati District, Manipur-795015
10. Khumanthem Surendra Singh, aged about 49 years, S/o Kh. Iboyai Singh of Lamding Khumanthem Leikai, PO & PS Wangjing, Thoubal District, Manipur-795148
11. Salam Babudhol Singh aged about 45 years, S/o S. Biren Singh of Heirok Part-III, Salam Leikai, Thoubal District, Manipur-795148
12. Prabesh Singh K. aged about 39 years, S/o Konjengbam Ibotomba Singh of Khagempalli Pankha, Ningom Leirak, Imphal West District, Manipur-795001
13. Wairokpam Lokeshwor Singh, aged about 48 years, S/o (L) W. Nilakanta Singh of Lilong Chajing Kongjeng Leikai, Imphal West District, Manipur-795130.

.... *Petitioners*

- *versus* -

1. The State of Manipur represented by the Commissioner (RD & PR), Government of Manipur, Civil Secretariat Complex, Mantripukhri, Imphal-795002
2. The Secretary, Manipur Public Service Commission (MPSC), North AOC, D.M. Road, Imphal West District, Manipur-795001
3. The Deputy Secretary, (DP) Government of Manipur, Civil Secretariat Complex, Mantripukhri, Imphal-795002



4. The Chief Engineer, Rural Engineering Department, MSRRDA, Government of Manipur, 4th Floor, Secured Office Building, AT-Line, 2nd MR Gate, Imphal, Manipur-795001

... Official respondents

5. Laishram Bidyabati Devi, Computer Operator/GIS Mapping, Rural Engineering Department, posted at Head Office, 4th Floor, Secured Office Building, AT-Line, 2nd MR Gate, Imphal, Manipur-795001
6. Jenson Laishram, Computer Operator/GIS Mapping, Rural Engineering Department, posted at Head Office, 4th Floor, Secured Office Building, AT-Line, 2nd MR Gate, Imphal, Manipur-795001

..... Private respondents

**With
MC[W.P.(C)] No. 269 of 2026**

Namoijam Jeetu, aged about 56 years, S/o (Late) Shyamkishore Singh of Khagempalli Panthak, PO & PS Imphal West District, Manipur-795001

.... Applicant

- versus -

1. The State of Manipur represented by the Commissioner (RD & PR), Government of Manipur, Civil Secretariat Complex, Mantripukhri, Imphal-795002
2. The Secretary, Manipur Public Service Commission (MPSC), North AOC, D.M. Road, Imphal West District, Manipur-795001



3. The Deputy Secretary, (DP) Government of Manipur,
Civil Secretariat Complex, Mantripukhri, Imphal-
795002
4. The Chief Engineer, Rural Engineering Department,
MSRRDA, Government of Manipur, 4th Floor, Secured
Office Building, AT-Line, 2nd MR Gate, Imphal,
Manipur-795001

... Official respondents

5. Laishram Bidyabati Devi, Computer Operator/GIS
Mapping, Rural Engineering Department, posted at
Head Office, 4th Floor, Secured Office Building, AT-
Line, 2nd MR Gate, Imphal, Manipur-795001
6. Jenson Laishram, Computer Operator/GIS Mapping,
Rural Engineering Department, posted at Head
Office, 4th Floor, Secured Office Building, AT-Line,
2nd MR Gate, Imphal, Manipur-795001

..... Private respondents

B E F O R E

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

For petitioners : Mr. David Boon, Advocate

Date of order : 31.07.2026

**O R D E R***(Oral)****[Order of the Court was made by Mr. M. Sundar, CJ]***

[1] Following abbreviations/short forms have been used in this order (for the sake of brevity, convenience and clarity):

Sl. No.	Abbreviation/short form/other short references	Full form / Expansion
1.	Impugned Rules	Rural Engineering Department (RED) under RD & PR Department, Government of Manipur Section Officer (IT) Grade – I Recruitment Rules, 2022
2.	Impugned proceedings	Proceedings of Expert Committee dated 09.03.2026
3.	Impugned order	Order dated 10.03.2026 bearing reference No. 4/18/2023-RD&PR(HC) made by respondent No. 1
4.	R-1	Respondent No. 1, to be noted similar abbreviations shall be used for respondent Nos. 2 to 6 also
5.	WP	Writ petition
6.	MC	Miscellaneous Case
7.	RD & PR	Rural Development and Panchayat Raj
8.	DP	Department of Personnel
9.	RED/MSRRDA	Rural Engineering Department/Manipur State Rural Roads Development Agency
10.	S.O.	Section Officer

[2] Factual matrix in a nutshell i.e. short facts shorn of elaboration and particulars which are not imperative for appreciating instant order are that 19 (nineteen) individuals were appointed as Computer Operators/GIS Mapping under Rural Engineering Department, Government of Manipur on contractual basis on various dates between



04.02.2006 and 16.09.2016; that 9 (nine) out of 19 (nineteen) individuals were regularized on 16.09.2016 and remaining 10 (ten) were regularised on 02.11.2016; that in the interregnum, Government of Manipur by executive order dated 19.10.2016, created 3 (three) temporary posts and one of them is S.O.(IT) Grade – I and this Court is informed that S.O. denotes Section Officer; that while creating this S.O. (IT) Grade–I post, State had proposed decree/diploma in Electronics and Communication Engineering, Electronics and Electrical Engineering, Information Technology as educational qualifications required for the post and had suggested promotion as a method of recruitment; that thereafter, said rules were made by State in exercise of powers under proviso to Article 309 of the Constitution of India; that in and vide said rules, educational qualifications substantially remained the same as proposed but degree or diploma in Computer Science and Engineering was added and as regards method of recruitment, it was set out in the said rules that it can be by promotion, failing which by direct recruitment; that as regards promotion, Computer Operator / GIS Mapping is the feeder post but those possessing degree or diploma in Electronics and Communication Engineering, Electronics and Electrical Engineering, Information Technology/Computer Science and Engineering with 5 (five) years regular service in the grade for Degree holders 8 years service for diploma holders were made the eligibility



criteria; that out of the 19 (nineteen) individuals who were appointed on contractual basis on various dates between 04.02.2006 and 16.09.2016 thereafter regularized on 16.09.2016 and 02.11.2016, only two individuals possess requisite qualifications as they have degrees in engineering one B.E.(ECE) and another B.E.(CSE); that it is to be noted, that these two individuals have been arrayed as R-5 and R-6 in captioned writ petition; that the set of rules which is being referred to as impugned rules was assailed earlier by serving Computer Operators/GIS Mapping and predecessor Hon'ble Bench in and by order dated 29.01.2025 made in W.P.(C) No. 361 of 2023 directed State to consider a representation dated 23.09.2019; that it is to be noted, there were 15 (fifteen) writ petitioners in W.P.(C) No. 361 of 2023; that pursuant to this judicial order dated 29.01.2025, an Expert Committee sat on 09.03.2026, reconsidered impugned rules and came to the conclusion that the same does not warrant any change *inter alia* considering the responsibilities and job profile of S.O. (IT) which was accepted by State *vide* impugned order; that assailing impugned rules, impugned proceedings and impugned order with some other prayers such as a direction to declare that the post of Computer Operator cannot be treated as feeder post *qua* S.O. (IT) and a direction to respondents to frame a rational promotional hierarchy for the cadre of Computer Operators have been filed.



[3] Mr. David Boon, learned counsel on record for writ petitioners is before this Court in the Admission Board.

[4] At the outset, it is deemed appropriate to write that out of 19 (nineteen) individuals who were originally appointed as Computer Operators/GIS Mapping, two of them possess requisite qualifications and as already alluded to *supra* in factual matrix, they have been arrayed as R-5 and R-6 (private respondents) and out of remaining 17 (seventeen), 15 (fifteen) chose to file earlier writ {W.P.(C) No. 361 of 2023} and now 13 (thirteen) have chosen to file captioned writ petition.

[5] Mr. David Boon, learned counsel on record for writ petitioner, notwithstanding myriad grounds raised in the writ petition predicated his campaign against impugned rules, impugned proceedings and impugned order on following points:

- (i) at the time of creation of post, the proposal did not include degree/diploma in Computer Science and Engineering but the same has now been included in impugned rules;
- (ii) the conditions of service have been altered post employment the goal post has been re-set and the same is not permissible;
- (iii) there is discrimination *qua* Computer Operators/GIS Mapping as amongst those now serving as Computer



Operators/GIS Mapping, all of them do not possess degree or diploma in Engineering which has now been made requisite qualification for promotion;

- (iv) the impugned rules have been tailor cut for facilitating R-5 and R-6.

[6] This Court carefully considered the aforesaid four points raised by learned counsel for writ petitioners. As regards first point, the order dated 19.10.2016 bearing reference No. 7/15/2012-RD(MC)Pt. 1/2140 *vide* which S.O. (IT) Grade – I post was created is an executive order traceable to Article 162 of Constitution of India. It is an executive order by which three temporary posts were created and S.O. (IT) Grade – I is one of the three posts. As regards the impugned rules, the same are a set of rules made in exercise of powers under proviso to Article 309 of Constitution of India. A proposal/suggestion in an executive order traceable to Article 162 of Constitution of India as regards the qualification for post created cannot control rules made in exercise of powers under proviso to Article 309 of Constitution of India as rules made under proviso to Article 309 of Constitution of India have statutory flavour. To put it differently, suggestions/proposals in executive instructions issued under Article 162 of the Constitution of India, cannot control Rule making powers or rules which have statutory flavour made in exercise of powers under proviso to Article 309 of Constitution of



India. This is end of the road as regards the first point urged by learned counsel for writ petitioner. To be noted, in any event, none of the thirteen writ petitioners have either degree or diploma in engineering therefore, adding degree or diploma in Computer Science and Engineering does not in any manner affect or even touch the writ petitioners.

[7] This takes this Court to the second point urged by learned counsel for writ petitioner. The second point, as already alluded to *supra* is that the goal post has been changed after recruitment/employment. To put it differently, conditions of service have been altered after employment is the second point. In the considered view of this Court, this argument is clearly a non-starter and it is no argument. The reason is, on the date of engagement of writ petitioners as Computer Operator/GIS Mapping, the promotional post i.e. S.O. (IT) Grade – I did not exist. To add clarity, as would be evident from allusion in factual matrix *supra*, the thirteen writ petitioners were engaged on various dates between 04.02.2006 and 16.09.2016 on contractual basis whereas the promotional post i.e. S.O.(IT) Grade – I was created only on 19.10.2016. On the date of engagement, there was no promotional post at all and therefore this Court has no hesitation in saying that the argument that the goal post has been changed after employment i.e., conditions of service have been altered post employment is a non-starter.



[8] This takes this Court to the third point and this point pertains to discrimination. Admittedly, as would be evident from the paper book (Annexure-A/2) placed before this Court by writ petitioners, out of nineteen individuals who were engaged as Computer Operators/GIS Mapping on contractual basis, only two of them were engineering graduates, the remaining seventeen were neither engineering graduates nor diploma holders in engineering. This means that R-5, R-6 and thirteen writ petitioners are not equals. In this view of the matter, the argument predicated on discrimination pales into insignificance. To be noted, the impugned rules also provides for promotional avenue to those who acquire the qualification of degree or diploma in engineering while in service. Therefore, there was no impediment for writ petitioners to seek promotion if they have acquired degree or diploma in engineering even after being engaged in/while in service.

[9] This takes this Court to the last and fourth point on which writ petitioners' counsel predicated his campaign against the impugned rules, impugned proceedings and impugned order. This argument is that the rules have been designed/tailor cut by to facilitate R-5 and R-6 (private respondents) who were two individuals who were engineering graduates even on the date of engagement as Computer Operators/GIS Mapping. A careful perusal of the impugned proceedings brings to light



that an Expert Committee consisting of Joint Secretary (RD & PR), Joint Secretary (DP), Joint Secretary (Finance Department) and Chief Engineer (RED)/MSRRDA, Government of Manipur has gone into / examined the duties and responsibilities of S.O. (IT) Grade – I and it has been clearly articulated that the duties and functions of S.O. (IT) is technical in nature and that the duties are primarily anchored on assisting the Assistant Engineer (IT) and IT Nodal Officer in resolving IT related matters of the Department and S.O.(IT) Grade – I is responsible for updating master data on OMMAS (Online Management Monetary and Accounting System). S.O. (IT) has also to help the staff concerned in preserving details of data and information regarding identification of Core Network of Rural Road Plan, Proposal, from Core Network (as a part of Tendering Procedure), Quality, Monitoring Reports, recording of Receipt and Payments of works, expenditure, viewing report of real time statics etc. Therefore, the qualification prescribed is clearly relatable to and relevant to the duties and responsibilities which S.O. (IT) has to perform. It is clearly technical in nature. In this view of the matter, the argument that the said rules were made solely to facilitate R-5 and R-6 does not cut ice with us much less in the Admission Board.

[10] All the four points, *qua* which learned counsel for writ petitioners predicated his campaign against the impugned rules, impugned proceedings and impugned order fail to cut ice with us.



[11] Before writing the concluding paragraph of this order, this Court deems it appropriate to respectfully remind itself that in service jurisprudence, promotion is not a right and at the highest an individual has a right to be considered for promotion.

[12] Ergo, the sequitur is, captioned WP fails to pass muster in the Admission Board and the same is dismissed. Consequently, captioned MC thereat also perishes with the captioned main WP and the same is also dismissed. There shall be no order as to costs.

JUDGE

CHIEF JUSTICE

FR/NFR

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DRA SINGH

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BIPINCHANDRA SINGH
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