

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

WP(C) No. 276 of 2026

Pritam Singh Lobo

.....Petitioner/s

-Versus-

State of Manipur & Anr.

....Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order (Oral)

28.04.2026

[1] Heard Mr. N. Ibotombi, learned senior counsel assisted by Mr. Th. Ningtamba, learned counsel for the petitioner and Mr. Th. Sukumar, learned G.A. for the State respondent.

[2] By the present petition, the petitioner approached this Court for considering promotion to the post of Assistant Professor in Jawaharlal Nehru Institute of Medical Sciences (JNIMS) in the discipline of Anaesthesiology.

[3] It is the case of the petitioner that he was appointed as Senior Resident Anaesthesiology in JNIMS vide order dated 20.12.2011 and as on date, he has rendered 15 (fifteen) years of service. It is also admitted fact that in JNIMS, there is a promotional scheme for Senior Resident and other equivalent posts known as 'Time Scale Promotion Rules, 2018' whereby the post-graduate Senior Resident and equivalent are considered for promotion to the non-functional Assistant Professor and later on, they are considered for promotion as Assistant Professor on regular basis whenever vacancy arises in that branch.

[4] Mr. N. Ibotombi, learned senior counsel for the petitioner, draws the attention of this Court to Medical Institutions (Qualifications of Faculty) Regulations, 2025 issued by the National Medical Commission (NMC) which prescribes the eligibility and qualification for appointment and promotion inter-alia as Professor, Associate Professor and Assistant Professor in medical college and institutes. Learned senior counsel for the petitioner also submits that the regulation is framed under Section 57 read with Sections 10 & 24 of the National Medical Commission Act, 2019. As given in Table No. E Serial No. 3(d) for Assistant Professor in the Regulations of 2025, the petitioner is eligible for consideration for promotion to the post of Assistant Professor as he being a diploma holder and appointed as Senior Resident on or before 08.06.2017, having experience of four years as Senior Resident.

[5] Vide order date 29.01.2026, the Director, JNIMS constituted a committee consisting of three members to examine the eligibility of two Senior Residents i.e. (i) Dr. Th. Amusana Singh, Senior Resident Respiratory Medicine and (ii) Dr. P. Pritam Singh Lobo, Senior Resident Anaesthesiology, JNIMS (petitioner herein) to examine their eligibility in terms of the Regulations of 2025. Report of the committee was submitted by the Chairman of the Committee i.e. Dean (Academics), JNIMS & the Scrutiny Committee vide letter dated 06.02.2026 to the Director of JNIMS stating that both Dr. Th. Amusana Singh and Dr. P. Pritam Singh Lobo (petitioner herein) are eligible for promotion to the post of Assistant Professor under the Regulations of 2025.

[6] Vide letter dated 18.02.2026, the Director, JNIMS submitted a letter to the Commissioner-cum-Secretary (Health & F.W.), Government of Manipur for seeking approval to the final seniority list of Senior Resident and other equivalent post for consideration under Time Scale Promotion Rules, 2018. It was mentioned at para 3 of the letter that Dr. Th. Amusana Singh and Dr. P. Pritam Singh Lobo are eligible to become Assistant Professor in terms of Regulations of 2025.

[7] Mr. N. Ibotombi, learned senior counsel for the petitioner, also states that as per vacancy status in JNIMS for the department of Anaesthesiology vide letter dated 20.06.2025, there are five vacant posts of Assistant Professor in Anaesthesiology. Learned senior counsel for the petitioner also draws the attention of this Court to the order dated 14.12.2025 issued by Commissioner (Health & F.W), Government of Manipur whereby names of 56 (fifty six) persons are listed and their services have been extended till the age of 62 years and the name of the petitioner is also included at Serial No. 30. It is also stated that there are only three Senior Residents and equivalent posts available for Anaesthesiology at serial Nos. 7, 24 & 30.

[8] The plea of the petitioner is that since he is going to be retired on 30.04.2026 as per order dated 14.12.2025 and five posts are available in JNIMS against Assistant Professor in the department of Anaesthesiology, the case of the petitioner may be considered for promotion before he retires on superannuation on 30.04.2026. Due to urgency involved in this case, instead of issuing notice and on 15.04.2026 as requested by learned G.A., this Court gave some time for taking instruction. When the matter was listed on 27.04.2026, learned G.A. also took one day time to confirm whether Regulations of 2025 issued by NMC is applicable in the State of Manipur, especially to JNIMS and about the status of the letter dated 18.02.2026 submitted by the Director, JNIMS to the Commissioner-cum-Secretary (Health & F.W.), Government of Manipur for approval for publishing of final seniority list of the Senior Resident and other equivalent post.

[9] When the matter is taken up today, learned G.A. submits a letter dated 27.04.2026 written by Joint Secretary (Health & F.W.), Government of Manipur to the office of learned Addl. A.G. (HC), Manipur stating that the letter dated 18.02.2026 submitted by the Director, JNIMS is under examination and will be disposed of within three weeks. The letter dated 27.04.2026 is taken on record. However, in the letter nothing

is stated about the applicability of NMC Regulations of 2025 in the State of Manipur, particularly to JNIMS.

[10] Mr. Th. Sukumar, learned G.A. for the State respondent, submits that the petitioner is to retire on 30.04.2024. However, his superannuation was protected by the interim order dated 27.05.2024 passed by this Court in WP(C) No. 365 of 2024 and his extension upto 30.04.2026 should be subject to the outcome of the pending writ petition i.e. WP(C) No. 365 of 2024. Learned G.A. also states that the JNIMS Authority has taken holistic view of considering promotion for all Senior Residents and other equivalent posts and the case of the petitioner cannot be singled out and put on fast track. Regarding the applicability of NMC Regulations of 2025, it is also stated that JNIMS has its own rule of Time Scale Promotion Rules, 2018 for the persons like the petitioner herein and is yet to take decision for promotion under the NMC Regulations of 2025.

[11] Mr. N. Ibotombi, learned senior counsel for the petitioner, refers to the decision of Hon'ble Supreme Court in the case of **State of Bihar vs. Medical Council of India** vide order dated 14.02.2023 passed in WP(C) No. 634 of 2018 whereas it was observed in para 6 that States are bound to adhere to the standards as specified by the regulatory authority, i.e., NMC. Para 6 is reproduced as:

“6. The petitioner-States are bound to adhere to the standards as specified by the regulatory authority i.e. NMC. If there are any deficiencies, the NMC as well as the Central Government have ample powers to take such steps as are permissible in law. The Writ Petitions are, therefore, disposed of with the aforesaid observations.”

[12] It is submitted by learned senior counsel that regulations framed under Section 57 of NMC Act, 2019 read with Sections 10 & 24

of the Act will be applicable to the State and other institutes which fall under the purview of the Act. It is also stated that the petitioner is claiming promotion under the Regulations of 2025 and not under Time Scale Promotion Scheme of 2018 applicable to JNIMS. Mr. N. Ibotombi, learned senior counsel for the petitioner, has pointed out that as per the report submitted by a duly constituted committee, the petitioner and another are found eligible for promotion under NMC Regulation of 2025.

[13] Considering the nature of case, the present petition is disposed of at the motion stage without calling for counter affidavit. This Court is of the opinion that keeping the writ petition pending beyond 30.04.2026 will frustrate the cause and accordingly, writ petition is disposed of at this stage by directing the respondents to consider the case of the petitioner, if it is otherwise eligible, under the Medical Institutions (Qualifications of Faculty) Regulations, 2025 for promotion to the post of Assistant Professor in Anaesthesiology along with other eligible candidates and as per applicable rules. The respondents may keep in mind that the petitioner is retiring on 30.04.2026 as per the order dated 14.12.2025 issued by the Commissioner (Health & F.W.), Government of Manipur. This Court is also aware of the time constraint in this case.

[14] The writ petition is disposed of in terms of the above observations.

[15] Furnish a copy of this order to the learned counsel appearing for the parties in course of the day through whatsapp or any available modes.

KH.
JOSHUA
MARING

Digitally signed
by KH. JOSHUA
MARING
Date: 2026.04.28
19:02:00 +05'30'

Kh. Joshua Maring

JUDGE