

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

WP(C) No. 532 of 2019

With

MC(WP(C)) No. 54 of 2020

Hooreiah Ningreingam Michael, aged about 43 years, S/o
Hooreiah Kahaosan George, a resident of Khamasom, P.O.
& P.S. Ukhrul, District: Ukhrul – 795142

... Petitioner

-Versus-

1. The State of Manipur represented by the Commissioner/
Principal Secretary (Education-S), Government of
Manipur, Secretariat Office, P.O. & P.S. Imphal, District:
Imphal West, Manipur – 795001.
2. The Director, Education (S), Manipur at Lamphelpat,
P.O. & P.S. Lamphel, District: Imphal West, Manipur –
795001.

... Respondents

B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the petitioner	:: Mr. L. Anand, Sr. Advocate asstd. by Mr. B. Kirankumar Sharma, Advocate
For the respondents	:: Mr. Th. Vashum, GA
Date of hearing	:: 04-04-2026
Date of Order	:: 04-04-2026

O R D E R
(Oral)

[1] Heard Mr. L. Anand, learned senior counsel assisted by Mr. B. Kirankumar Sharma, learned counsel appearing for the petitioner and Mr. Th. Vashum, learned GA appearing for the respondents.

[2] The present writ petition has been filed seeking for the following reliefs:-

“(i) To admit the present writ petition.”

“(ii) To issue rule nisi calling upon the respondents to show cause as to why prayer sought for by the petitioner shall not be granted in the facts and circumstances of the present case.”

“(iii) To direct the respondents not to terminate or removed the service of the petitioner who has been regularized in the post of System Analyst cum District Co-ordinator in the Department of Education (S), Manipur vide an order issued by Commissioner (Education-S), Government of Manipur bearing No. 30/33/2016-SE(S) dated the 16th December, 2016, after 5 (five) years of contractual service given under Notification bearing No. 31/2/06-SE(S)/SSA dated the 17th April, 2012 issued by the Principal Secretary (Education-S), Government of Manipur in the post.”

“(iv) Or for a direction to the State respondents to extend the name relaxation as was given and enjoyed by similarly situated circumstances in the case of Primary Teachers under Department of Education (S), Manipur in view of Order No. AO/ 199/APT/2013(2)-DE(S) dated the 30th May, 2016 issued by the Director, Education (S), Manipur” and

“(v) With a humble prayer for a direction to the State respondents to issue EIN (Employees Identification Number) in favour of the petitioner for the purpose of enjoying/ drawing his entitled pay and allowances in lieu of the uninterrupted service rendered by him since his regularization, w.e.f. 16-12-2016 till date.”

“(v) Pass any other order or orders which the Hon’ble Court may deemed fit and proper in the facts and circumstances of this case and in the public interest.”

-AND-

“In the interim, pending disposal of the present writ petition, Your Lordship’s may be graciously kind enough to pass an interim order directing the respondents not to remove/ terminate the service of the petitioner, in view of the facts and circumstances of the present writ petition to meet the ends of justice.”

[3] During the pendency of this writ petition, the petitioner also filed a misc. application registered as MC(WP(C)) No. 54 of 2020 praying for directing the State respondents to release the entitled pay, allowances and arrears of the petitioner w.e.f. 16-12-2016 till date within a stipulated period for the interrupted service rendered by the petitioner as System Analyst in the Sarva Shiksha Abhiyan (SSA) under the Department of Education (S), Government of Manipur.

[4] In the midst of hearing of this writ petition, Mr. L. Anand, learned senior counsel appearing for the petitioner submitted that he has received instruction from the petitioner that the petitioner will not press all the prayers made in the writ petition, which has been quoted hereinabove. It has also been submitted that the petitioner will be satisfied if the reliefs sought for by him in the aforesaid misc. application filed by him, i.e., for releasing the pay and allowances due payable to the petitioner during the period from 16-12-2016 till date for the service rendered by him as System Analyst in SSA is granted.

[5] In view of the submission made above, all the prayers made by the petitioner in the present writ petition are hereby dismissed as being not pressed. This court will confine to the consideration as to whether the petitioner is entitled to receive the pay and allowances as claimed by him in the said misc. application.

[6] The facts of the present case, in a nutshell, are that the Office of the State Project Director, Sarva Shiksha Abhiyan, State Mission Authority, Manipur, issued a Notice dated 21-02-2011 inviting applications for filling up 527 different categories of posts on contractual basis, including 35 posts of System Analyst cum District Co-ordinator (MIS)(SA 04). As per the said Notice, the essential educational qualifications prescribed for the posts of System Analyst cum District Co-ordinator (MIS) are as under:-

- (i) M.Sc. (Computer Science) M.Sc. (I.T.)/M.C.A./ M.B.A. (IT)/ PG D.I.T.M from a recognized University/ Institute.***
- (ii) At least 2 (two) years experience in the data processing/ data management, software development with following skill areas: VISUAL BASIC, VISUAL FOXPRO, SQL, JAVA, COBOL, HTML, SML, ASP, DHTML.***
- (iii) Candidates with requisite qualification for System Analyst working under SSA as Data Entry Operator or at least 2 (two) years will be given preference.”***

The petitioner applied for the post of System Analyst cum District Co-ordinator (MIS) pursuant to the said Notice and on being selected, he was appointed as System Analyst cum District Co-ordinator

(hereinafter referred to as '**SADC**' for short) as a Schedule Tribe candidate on contract basis vide Notification dated 17-04-2012 issued by the Principal Secretary (Education-S), Government of Manipur and the petitioner continue to render his service as a SADC on contract basis without any interruption.

[7] Subsequently, the Commissioner (Edn.-S), Government of Manipur, issued an order dated 16-12-2016 regularizing/ absorbing the contractual service of 23 SADCs, including the present petitioner, w.e.f. the date of issue of the said order. In the said order, it was also specifically mentioned that such regularization/ absorption will be subject to verification of their characters & antecedents, testimonials, medical fitness, etc. It is the case of the petitioner that after his service has been regularized, he continued to render his service as a regular SADC and there is no dispute with regard to the fact that his service as a regular SADC had been utilized by the authorities and that the petitioner is still continuing to render his service as a regular SADC till today.

[8] The grievance of the petitioner is that even though his contractual service as a SADC had been regularized by the Government and even though the authorities utilized the service of the petitioner as a regular SADC without any interruption, the respondents have failed to release the monthly pay and allowances due payable to the petitioner without giving any reason.

[9] The petitioner come across a letter dated 18-08-2018 from the Deputy Secretary, Education (S), Government of Manipur,

addressed to the Director, Education (S), Manipur, stating that upon verification of characters, antecedents, medical fitness, testimonials of the regularized employees of SSA and RMSA under the Education Department, the Government has conveyed its approval in respect of 244 (two hundred and forty four) employees, whose verification of testimonials, characters and antecedents certificate, medical fitness certificate issued by the concerned authorities are found to be in order. However, in respect of 9 employees, who have absented themselves during the verification process, cancellation/ termination order are to be issued and that in respect of 4 (four) employees, the matter shall be considered after formalizing the process in respect of the said 244 employees and 9 employees as mentioned in the said letter.

[10] On having knowledge about the said letter, the petitioner approached this court by filing the present writ petition. It has been submitted on behalf of the petitioner that even though the petitioner had rendered his service as a regular SADC in the Education (S) Department, his monthly pay and allowances has not been released by the authorities since 16-12-2016. The learned senior counsel appearing for the petitioner submitted that the petitioner is entitled to receive his monthly pay and allowances for the service rendered by him as a regular SADC w.e.f. 16-12-2016 till such time the petitioner continue to render such service.

[11] In support of his contention, the learned senior counsel appearing for the petitioner relied on the judgment rendered by the

Hon'ble Apex Court in the case of **"Man Singh Vs. State of Uttar Pradesh through Secretary & ors."** reported in **2022 SCC OnLine SC 726** wherein it has been held as under:-

"3. The appellant was appointed as a principal in the year 1974-1975 when junior High School was upgraded as High School and was recognized by the State Government. Thus, the appellant has worked for almost 24 years before the services came to be cancelled for the reason that he is relative of the member of the Selection Committee."

"4. The order dated 24.12.1998 also records that the money be recovered from the appellant which has been paid to him, as a result of his irregular appointment for the post of Principal."

"5. We find that the High Court has failed to consider the fact that even if the appointment was irregular, the appellant had discharged the duties and in lieu of duties, he had to be paid. The State cannot take any work from any employee without payment of any salary."

[12] Mr. Th. Vashum, learned GA appearing for the respondents submitted that in the Notice dated 21-02-2011 issued by the Office of the State Project Director, SSA, State Mission Authority, Manipur, the essential educational qualifications for the post of System Analyst cum District Co-ordinator (SADC) are clearly notified which have been reproduced hereinabove. Pursuant to the said notice and on being selected, the petitioner was initially appointed as a SADC on contract basis vide order dated 17-04-2012 issued by the Principal Secretary (Education-S), Government of Manipur. Thereafter, the contractual service of the petitioner was regularized by the Government by issuing an order dated 16-12-2016 w.e.f. the issuance of the said order. However, in the said regularization order, it is clearly mentioned that

such regularization shall be subject to verification of the candidates' characters & antecedents, testimonials and medical fitness, etc.

[13] The learned GA further submitted that as required under law and as clearly mentioned in the regularization order, the authorities took up the process for verification of the characters & antecedents, testimonials and medical fitness of the regularized candidates, including the present petitioner and on being found out that the petitioner did not possess the requisite educational qualifications as prescribed in the Notice dated 21-02-2011, the authorities stopped payment of his monthly pay and allowances.

It is to be noted here that there is no dispute with regard to the fact that the educational qualification possessed by the petitioner is only M.Sc. (Life Science). The learned GA also submitted that he has received instructions from the authorities in writing that as per the record available to the Office of the State Project Director, Samagra Shiksha, Manipur, it has been verified that the remuneration of the contractual service in respect of the petitioner was released to him till the month of February, 2018. The learned GA also submitted that by virtue of the interim order passed by this court on 08-07-2019 in the present writ petition, the petitioner is still continuing to render his service as SADC till today and the respondents have not taken up any action for terminating the service of the petitioner.

[14] It has also been fairly submitted by the learned GA that there is no dispute with regard to the factum that the petitioner is still continuing

to render his service as a SADC. It has also been strenuously submitted by the learned GA that as the petitioner did not possess the educational qualifications for appointment to the post of SADC as notified in the Notice dated 21-02-2011, the petitioner cannot continue as a SADC and the authorities have every right and duty to take appropriate action against the petitioner by following due process of law.

[15] I have carefully considered the submissions advanced by the learned counsel appearing for the parties and I have also carefully examined all the materials available on record. The only issue to be considered by this court in the present writ petition is as to whether the petitioner is entitled to receive his monthly pay and allowances for rendering service as a regular SADC in the Education (S), Government of Manipur. As elaborately narrated hereinabove, the petitioner was initially appointed as a SADC on contractual basis w.e.f. 17-04-2012. Thereafter, the contractual service of the petitioner was regularized w.e.f. 16-12-2016, however, subject to verification of characters & antecedents, testimonials and medical fitness, etc. There is also no dispute with regard to the fact that the petitioner has been rendering service as a regular SADC by virtue of an interim order passed by this court on 08-07-2019 in the present writ petition and that the authorities have utilized the service rendered by the petitioner without any interruption.

[16] It is trite in law that if the service of an incumbent has been utilized by the Government, the State is legally liable to pay the salary

attached to the post held by the incumbent for the service rendered by him. In the present case, as there is not dispute with regard to the fact that the petitioner continue to render his service as a regular SADC and the authorities utilized such service without any interruption, this court is of the considered view that the respondents are under legal obligation to pay to the petitioner his monthly pay and allowances for the period his service had been utilized by the Government. Accordingly, the present writ petition is disposed of with the following directions:-

- (i) The respondents are hereby directed to release the monthly pay and allowances of the petitioner for the service rendered by him as a regular SADC w.e.f. 16-12-2016 till such time the petitioner rendered his service as such. However, if the authorities have already released part of such monthly emoluments to the petitioners, the authorities are at liberty to deduct the same from the amount due payable to the petitioner;
- (ii) It is made clear that the whole process for payment of monthly pay and allowances due payable to the petitioner shall be completed within a period of three months from the date of receipt of a certified copy of this order; and
- (iii) It is made clear that the respondents are at liberty to consider as to whether the petitioner will be allowed to continue in service or not in accordance with the procedure established by law.

With the aforesaid directions, the present writ petition as well as the connected application are disposed of.

Interim order passed earlier stands merged with the present order.

JUDGE

Devananda

FR/ NFR