



2026:MNHC:138

REPORTABLE

IN THE HIGH COURT OF MANIPUR AT IMPHAL

**[WP(C) No.224 of 2019; WP(C) No.615 of 2020 with MC[WP(C)] No. 110 of 2021;
& WP(C) No.841 of 2022]**

I. WP(C) No.224 of 2019

1. Moirangthem Lemba Singh, aged about 40 years S/o. (L) M. Bira Singh, a resident of Kwakeithel Laishram Leikai, P.O. Imphal & P.S. Singjamei, District Imphal West, Manipur.
2. Keisham Nabakumar Singh, aged about 45 years S/o. (L) K. Lalbabu Singh, a resident of Thiyam Konjin, P.O. Lilong & P.S. Irilbung, District Imphal East, Manipur.
3. Sukham Ibungo Singh, aged about 45 years S/o. (L) S. Thoiba Singh, a resident of Thoubal Phoudun Keirambi, P.O. Thoubal & P.S. Yairipok, District Thoubal, Manipur.
4. Wairokpam Raghumani Singh, aged about 44 years S/o. W. Tombi Singh, a resident of Yairipok Khoirom, P.O. & P.S. Yairipok, District Thoubal, Manipur.
5. Kongbrailatpam Sunil Sharma, aged about 45 years, S/o. (L) K. Bihari Singh of Singjamei Sapam Leikai, P.O. & P.S. Singjamei, Imphal West District, Manipur.

....PETITIONERS

VERSUS-

1. The State of Manipur represented by the Principal Secretary/Commissioner / Secretary (Health & Family Welfare), Government of Manipur, Office at Old Secretariat, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
2. The Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.

....OFFICIAL RESPONDENTS

3. G. Athiu, bearing EIN No. 036099, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
4. Kh. Bishambhor, bearing EIN No. 033147, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.

5. Md. Tomba (SW), bearing EIN No. 033423, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
6. S. Joykumar, bearing EIN No. 036594, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
7. H. Dhonjao Singh, bearing EIN No. 033643, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
8. L. Lalit Singh, bearing EIN No. 033650, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
9. Guihiam Golmei, bearing EIN No. 033696, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
10. H. Rajen Singh, bearing EIN No. 034466, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
11. N. Kesho Singh, bearing EIN No. 034638, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
12. A. Abungo Singh, bearing EIN No. 033904, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
13. A. Deben Singh, bearing EIN No. 033770, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
14. P. Yaima Maring, bearing EIN No. 033305, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
15. Y. Manglem Singh, bearing EIN No. 033229, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.

16. K. Ranbir Singh, bearing EIN No. 033858, C/o. the Director of Health Services, Manipur, Office at Lamphelpat opposite RIMS Gate, PO & PS Lamphel, Imphal West District, Manipur 795004.
17. Lairemthang, bearing EIN No. 035617, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
18. A. Sanatomba Singh, bearing EIN No. 033171, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
19. H. Arunkumar Singh, bearing EIN No. 033256, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
20. Y. Joychandra Singh, bearing EIN No. 033347, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
21. Ksh. Jadumani, bearing EIN No. 033856, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
22. W. Iboyaima Singh, bearing EIN No. 033410, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
23. Lalhminglien Ralsun, bearing EIN No. 034124, C/o. the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.
24. M.Dijen Singh, bearing EINN No.033430, C/o the Director of Health Services, Manipur, Office at Lamphel opposite RIMS Gate, PO & PS Lampahel, Imphal West District, Manipur 795004.

... Private respondents

II. WP(C) No.615 of 2020 with MC[WP(C)] No.110 of 2021

Thongam Marjit Singh aged about 48 years, s/o Thongam Ibohal Singh of Thoubal Athokpam Awang Leikai, PO & PS Thoubal District, Manipur, a male health worker posted at the District Medical Officer DMO, Thoubal, Manipur PO Thoubal, 795138.

... Petitioner

Versus

1. Health and Family welfare Department at Imphal, 795001, Manipur.
2. The Director, Directorate of Health Service at Lamphel, Manipur 795004
.....Respondents
3. G. Athui EIN number 030099 now working as Health Supervisor the office of District Medical Officer (DMO), Tamenglong 795741
4. Kh. Bishembhor EIN no. 033147 now working as Health Supervisor at Community Health Centre (CHC) Nambol 795134.
5. Md. Tomba EIN number 033423 now working as Health Supervisor at Primary Health Centre (PHC) Tousem, P.O tamenglong, 795141. 3.P.O Tousem.
6. S.Joykumar EIN number 036594 now working as Health Supervisor at Primary Health Centre (PHC) Somalel P.O Ukhurul 795142 B.P.O Somdel.
7. M. Dhombjao singh EIN No. 033643 now working as Health supervisor as special at special Malaria Unit Jiribam 795116.
8. L.Lalit Singh EIN No. 033650 now working as Health supervisor at special Malaria unit Jiribam 795116.
9. Gulhiam Golmei EIN No. 033696 now working as health supervisor at Primary Health center (PHC) P.O Tamenglong 795141 B.P.O Oinamlong.
10. N. Keso Singh EIN NO. 034638 now working as Health Supervisor at district medical officer Ukhurul (DMO) 795142.
11. A. Ibungo Singh EIN No. 033904 now working as health supervisor of special Malaria unit Moreh 795131.
12. A Deben Singh EIN NO. 033770 now working as health supervisor at primary health center (PHC) Borobekra PO Jiribam 795116.
13. P. Yaima Maring EIN No. 033305 now working as health supervisor at Community health center (chc) parbung, po Churachanpur 795128.
14. Y. Manglem singh EIN No. 033229 now working as health super at community health center nungba 795147.
15. K. Ranbir singh EIN No. 033858 now working as Health superviso community Health center (CHC) Kamjong 795145.

16. Lalremthang EIN No. 035617 now working as Health supervisor at primary health center (PHC) at Patpuihmun P.O Churachanpur 795128
17. A. Sanatomba singh EIN No. 033171 now working as health supervisor at Medical Directorate Lamphel 795004
18. H. Arunkumar singh EIN No. 033256 now working as health supervisor at primary health center (PHC) Khurkhul 795115
19. Y. Joychandra Singh EIN No. 033347 now working as health supervisor at primary health center at Mayang Imphal 795132.
20. Ksh. Jadumani EIN No. 03347 now working as Health supervisor at primary health center PHC at Oinam Hill PO Senapati 795106 W. Iboyaima singh EIN No. 0334010 now working as health supervisor at community Health center CHC Nungba 795147.
21. W.Iboyaima Singh EIN No.0334010 now working as health supervisor at community Health Centre CHC Nungba.
22. Lalminglien Ralsun EIN No.034124 now working as health supervisor at District Medical Officer DMO Bishnupur 795126.
23. M.Dijen Singh EIN No.033430 now working as health supervisor at Primary Health Centre Chingai PO Ukhrul 795142.
24. Kh. Tomba Meitei EIN-033200 now as style as male health supervisor and really male health worker now posted at District Medical Officer Ukhrul 795142.
25. A. Tomba Singh EIN-033677 now as style as male health supervisor and really male health worker now posted at District Medical Officer Senapati 795106.
26. A. Lokendro Singh EIN-033880 now as style as male health supervisor and really male health worker now posted at Community health Centre Moirang 795133.
27. P. Ibungo Singh EIN-033413 now as style as male health supervisor and really male health worker now posted at District Medical Officer Tamenglong 795141
28. A. Dineshor Singh EIN-033941 now as style as male health supervisor and really male health worker now posted at Public Health Centre Yambem 795149.
...Private respondents.

III. WP(C) No.841 of 2022

Thongam Marjit Singh (50) years, s/o Th.Ibohal Singh of Thoubal Athokpam Awang Leikai PO & PS Thoubal District, Manipur a male health worker posted at the District Medical Officer DMO, Thoubal Manipur PO Thoubal 795138.

... Petitioner

Versus

1. The State of Manipur represented by the Addl. Chief Secretary (Health), Government of Manipur Old Secretariat, PO & PS Imphal, Imphal West District, Manipur PIN No.795001.
2. The Director (Health Services), Government of Manipur, Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur, Pin 795004.
3. G. Athui, Male Health Supervisor, EIN 038099.
4. Kh. Bishambhor Male Health Supervisor EIN no. 033147.
5. Md. Tomba Male Health Supervisor EIN number 033423.
6. S. Joykumar Male Health Supervisor EIN number 036594
7. M. Dhomjao Singh Male Health Supervisor EIN No. 033643.
8. L. Lalit Singh Male Health Supervisor EIN No. 033650.
9. Gulhiam Golmei Male Health Supervisor EIN No. 033696.
10. H. Rajen Singh Male Health Supervisor EIN No. 034466.
11. N. Keso Singh Male Health Supervisor EIN NO. 034638.
12. Ibungo Singh Male Health Supervisor EIN No. 033904.
13. B. Deben Singh Male Health Supervisor EIN NO. 033770.
14. P. Yaima Maring Male Health Supervisor EIN No. 033305
15. Y. Manglem Singh Male Health Supervisor EIN No. 033229
16. K. Ranbir Singh Male Health Supervisor EIN No. 033858
17. Lalremthang Male Health Supervisor EIN No. 035617.

18. A. Sanatomba Singh Male Health Supervisor EIN No. 033171.
19. H. Arunkumar Singh Male Health Supervisor EIN No. 033256.
20. Y. Joychandra Singh Male Health Supervisor EIN No. 033347.
21. Ksh. Jadumani Male Health Supervisor EIN No. 03347.
22. W. Iboyaima Singh Male Health Supervisor EIN No. 033410.
23. Lalminglien Ralsun Male Health Supervisor EIN No. 034124
24. Md. Abdul Halim Male Health Supervisor EIN-033420.
25. Md. Manikhan Male Health Supervisor EIN-036122.
26. M. Bijen Singh Male Health Supervisor EIN-034489.
27. R.K. Singhajit Singh Male Health Supervisor EIN-033445.
28. Th. Natum Singh Male Health Supervisor EIN-033390.
29. A. Ibechaobi Devi Male Health Supervisor EIN-033893.
30. Benjamin Hmar Male Health Supervisor EIN-035416.
31. M. Dijen Singh Male Health Supervisor EIN No. 033430.
32. Kh. Tomba Meitei Male Health Supervisor EIN-033200.
33. A Tomba Singh Male Health Supervisor EIN-033677.
34. Lokendro Singh Male Health Supervisor EIN-033880.
35. P. Ibungo Singh Male Health Supervisor EIN-033413.
36. Dineshor Singh Male Health Supervisor EIN-033941.

...RESPONDENTS

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

For the Petitioners :: Mr.S.Rupachandra, Sr.Advocate with
Mr.Sahidur Rahman, Advocate; &
Mr.L.Sanjoy Singh, Advocate
For the respondents:: Mr.H.S.Paonam, Sr.Advocate with
Ms.MaleMLEIMA, Advocate; &
Mr.N.Ibotombi, Sr.Advocate with
Ms.N.Savitri, Advocate,
Mr.Th.Sukumar, G.A.
Dates of hearing :: 19.08.2025
Date of judgment :: **22.07.2026**

JUDGMENT & ORDER [CAV]

[1] The common issue involved in the present batch of writ petitions is interpretation of Medical Department, Manipur (Male Health Supervisor & Male Health Worker), Recruitment Rules, 1993, for promotion to the post of Medical Health Supervisors. As per Column 11 of the Rules, essential qualifications for promotion to the post of 'Male Health Supervisor' from the post of 'Male Health Worker' are- (i) Matriculate/HSLC or its equivalent from a recognized institute; (ii) having trained in Male Health Workers' course from a recognized Institute; and (iii) 5 (five) years regular service in the grade in any public health programme. It is urged that the 5 years regular service should be counted from the date of passing training course in Male Health Worker; private respondents did not have 5 years regular service in the grade from the date of passing of the training course, even though they had served in the grade for a long time; and hence they are not eligible for promotion in terms of the rules.

[2] In the present case, respondents, who were absorbed in the cadre of Male Health Worker prior to Recruitment Rules, of 1993, were promoted to the post of Male Health Supervisors and same has been challenged by the writ petitioners on the ground that private respondents do not have five years'

requisite service in the Grade after passing of the training in Male Health Worker Course and as such they are not eligible for promotion and one of the prayers is for setting aside the promotion order and promote petitioners in their place. Petitioners also challenged the seniority list dated 1.9.2016, 13.1.2020 and 24.2.2021 in the cadre of Male Health Worker.

[3] Prayers in the three writ petitions and application are as under:

WP(C) No. 224 of 2019:

“ (i) To admit the present writ petition.

(ii) To issue rule nisi calling upon the respondent to show cause as to why prayer made by the petitioner shall not be granted in the facts and circumstances of the present petition.

(iii) To issue a writ in the nature of Certiorari / Mandamus or any other appropriate writ / direction / order, directing the respondent to quash and set aside the entire DPC proceeding held on 16-02-2019 for promotion to the post of Male Health Supervisor and impugned order dated 27-02-2019 (AT ANNEXURE-A/18) and any consequential order pursuant to the impugned order dated 27-02-2019 in view of the facts and circumstances of the present petition.

(iv) To issue a writ in the nature of mandamus / certiorari of any other appropriate writ/direction / order directing the respondents to hold review DPC for 22 (twenty two) posts of Male Health Supervisor within stipulated period of time strictly as per the order dated 04-10-2018 passed in WP (C) No. 823 of 2016 of the Hon'ble High Court of Manipur (AT ANNEXURE-A/9). strictly as per the column No. 11 of the Recruitment Rules dated 24-11-1993 (AT ANNEXURE-A/6 (Colly). as per the guidelines issued by the Department of Personnel and Administrative Reforms (Personnel Division) dated 29-04-1999 and 15-05-2014 (AT ANNEXURE-A/19 (Colly) in respect of the promotion to the next higher post and various decision of the Supreme Court of India to meet the ends of justice and fair play.

(v) To issue a writ in the nature of Mandamus / certiorari or any other appropriate writ / directions / orders directing the respondent to consider the petitioners for appointment by promotion to the post of Male Health Supervisor against the existing 22 (twenty two) clear vacant post of Male Health Supervisor strictly as per the Recruitment Rules, 1993 of Male Health Supervisor by holding fresh DPC in view of the facts and circumstances of the present petition within a stipulated period of time.

(vi) To call for the entire DPC proceedings held on 16-02-2019 for promotion to the post of Male Health Supervisor by the private respondents.

(vii) If no cause is shown or insufficient cause is shown, make the rule absolute.

(viii) To pass any order/writ/ directions which the Hon'ble Court deem fit and proper in the facts and circumstances of the present case."

WP(C) No. 615 of 2020:

"(i) To set aside the memorandum dated 18 July 2016, the seniority List of Male health worker and be please to give direction to the respondent no. 1 and 2 to issue a new seniority list by following strictly the recruitment Rules 1993.

(ii) To set aside the D.P.C proceeding dated 16/02/2019 for the promotion of Private respondent to Health Supervise and be please to give direction to the respondent no 1 and 2 to conduct new DPC after a new seniority list is made by following recruitment Rule 1993 strictly.

(iii) Any other order/orders as Hon'ble Court deem fit and proper."

MC[WP(C)] No. 110 OF 2021 in WP(C) No. 615 of 2020:

(i) To give direction to the State respondents not to make any memorandum for Seniority List for the promotion of Male Health Worker to the Health Supervisor during the pendency of WP(C) No. 615 of 2020

- (ii) Not to make any order for the promotion of male health worker to male health supervisor during the pendency of WP(C) No. 615 of 2020
- (iii) To set aside the memorandum dated 24.02.2021 for promotion of male health worker to male health supervisor
- (iv) To set aside the promotion of present five private respondent of this misc application passed by the respondent no.2 dated 16.01.2021 in the interest of justice.

WP(C) No. 841 of 2022:

- “(i) to admit this Writ Petition and issue a rule nisi;
- (ii) to quash and set aside the promotion order dated 27/02/2019 of the private respondent Nos. 3 to 24 to the post of Male Health Supervisor from the post of Male Health Worker (Annexure A/6).
- (iii) to quash and set aside the seniority list dated 01/09/2016 (Annexure A/4) and promotion order dated 19/05/2020 of private respondent Nos. 25 to 31 (Annexure A/8)
- (iv) to quash and set aside the seniority list dated 13/01/2020 (Annexure A/9) and promotion order dated 31/08/2020 (Annexure A/10) of the private respondent Nos. 32 to 36.
- (v) to quash and set aside the Seniority List dated 21/02/2021 (A/11)
- (vi) to direct the respondents to place the petitioner's seniority just above the Male Health Workers who have passed Training after the year of passing it by the petitioner as Recruitment Rules mandates the same for promotion.
- (vii) to direct the respondent not to hold any DPC for promotion before disposal of Writ Petition (C) No. 615 of 2020 and the present Writ Petition.”

[4] Mr. S. Rupachandra, learned senior counsel for petitioners in WP(C) Nos. 615 of 2020 and 841 of 2022, submits that petitioner and others were appointed in the cadre of Male Health Worker (MHW) vide order dated 21.4.1999 as direct recruit. As per rule, direct recruit candidates have to pass training in Male Health Workers Course and as such petitioner and others have passed the training course for MHW before entry into service. It is stated that private respondents were earlier working as Health Assistant Male and Sanitary Assistant, Grade-IV and their posts were re-designated as Male Health Worker by various orders. It is stated that at the time of absorption to the post of MHW, the private respondents did not undergo Male Health Training Course and they passed the course very late. The private respondents were promoted to the post of Male Health Supervisors (MHS) vide orders dated 27.2.2019, 19.5.2020 and 31.8.2020. It is specific case of petitioner that on the date of promotion, private respondents do not have five years' regular service after passing of the Male Health Training Course and as such they are not eligible for promotion to the post of Male Health Supervisors as provided in Column 11 of the Rules.

[5] Mr.S.Rupachandra, learned senior counsel for petitioner further submits that Column 11 of the Recruitment Rule of 1993 have to be read as a whole and in conjunction with all the requirements; and not in isolation. Since the word 'five years regular service in the grade' is placed after having trained in MHW Course from a recognised Institute, the same should mean that 'five years regular service' should be counted from the date of passing of the training in MHW Course. Private respondents are not eligible for promotion to the post of MHS, as they did not possess requisite five years' regular service in the grade after passing of MHW Course. In this regard, Mr.S.Rupachandra, learned senior counsel relies on the decision of Hon'ble Supreme Court in the case of **AIR 1967 SC 1910: Sant Ram Sharma Vs State of Rajasthan & Ors** to

emphasise the point that promotion is primarily based on merit and not on seniority alone.

[6] In the present case, even if private respondents are senior, they are not eligible for promotion to the post of MHS as they do not possess requisite five years in the cadre after passing of the training course in MHW. Learned senior counsel also referred to the case of **Shailendra Dania & Ors Vs S.P.Dubey and Ors: (2007) 5 SCC 535** para 45, wherein it is held that a diploma holder Junior Engineer who obtained Degree in Engineering during the tenure of service, would be required to complete three years' service on the post after obtaining degree so as to eligible them for promotion to the higher post. In the above referred case, the promotion from Junior Engineer to Assistant Engineer is 50% quota to be filled up by Junior Engineers Degree Holders with three years regular service and remaining 50% from Junior Engineer having Diploma with 8 years regular service. In the case mentioned above, Diploma holder Junior Engineers who got Degree during service tenure and claim for promotion as Degree Holder, it was held by Hon'ble Supreme Court that Diploma Holders who are subsequently obtained Degree, during service has to have three years' regular service after obtaining Degree so as to enable them to promote under the quota for Degree Holders.

[7] This Court is of the view that fact of the **S.P.Dubey** case (supra) is not applicable in the present case as Recruitment Rules for promotion to the post of Male Health Supervisor (MHS) does not have two qualifications, Degree and Diploma, the only requirement is matriculation as essential criteria. Learned senior counsel also referred to another decision of Hon'ble Supreme Court in the case of **K.K.Dixit & Ors Vs Rajasthan Housing Board & Anr: (2015) 1 SCC 474** wherein it is held that Diploma Holders after acquiring Degree Course, cannot count service tenure in the Diploma as requisite qualifying

service as Degree holders. This Court is of the view that fact of **K.K.Dixit** case (supra) is also not applicable in the case in hand due to difference in Recruitment Rules for Male Health Supervisors.

[8] Learned senior counsel for petitioner also referred to a decision of this Court in the case of **W.Premo Devi & Ors Vs State of Manipur & Ors** : WP(C) No.123 of 2014 dated 10.03.2016, wherein it was held that in the case of promotion to Nursing Assistant from Staff Nurse, qualification of Degree and Diploma Certificate, 75 % should be filled up from Staff Nurse holding Grade A Certificate with five years of regular service and remaining 25 % from amongst Staff Nurses possessing Degree/Diploma in Nursing. It was held that for the 25% promotion quota for Degree/Diploma in Nursing, the zone of consideration should be amongst Staff Nurse with Degree and Diploma Holders on the basis of three years regular service after they obtain their Degree/Diploma in Nursing. In the nature of the case, it was held that service prior to obtaining Diploma/Degree in Nursing cannot be considered for the 25% quota for promotion and three years should be counted from the date Staff Nurses possess qualification of Diploma/Degree in Nursing.

[9] This Court is of the view that this case is also not applicable in the present case, as there is no distinction between Diploma & Degree holders and minimum requirement is only Matriculation.

[10] Mr.S.Rupachandra, learned senior counsel for petitioner has pointed out that the petitioner also challenged the three seniority lists dated 1.9.2016, 13.1.2020 and 24.2.2021 in the cadre of MHW on the ground that private respondents are wrongly placed above the petitioner. It is the case of petitioner that private respondents cannot be placed above the petitioner, as they do not possess eligibility criteria for promotion to the post of Male Health

Supervisor, i.e., training in Male Health Worker Course from a recognized Institute.

[11] Mr.L.Sanjoy Singh, learned counsel for petitioner in WP(C) No.224 of 2019 has also adopted the submission of Mr.S.Rupachandra, learned senior counsel for petitioner in connected writ petitions. It is submitted that petitioners were appointed to the post of MHW on 24.1.1999 along with others as direct recruit and as per Recruitment Rule, they have to pass training in MHW Course as candidates for direct recruitment. In other words, writ petitioners have already passed training course in MHW prior to the entry in service. It is stated that private respondents were promoted to the post of Male Health Supervisor (MHS) by violating relevant recruitment rules, on the basis of a representation dated 21.1.2019, submitted by an unregistered All Manipur Re-designated Male Health Workers Association, addressed to the Principal Secretary, Health & Family, Government of Manipur. The private respondents passed training Course in MHW only on 6.8.2014.

[12] Mr.Sanjoy, learned counsel for petitioner reiterated that five years' regular service in the cadre should be after passing of the training course in MHW and admittedly in the present case, private respondents do not have five years regular service in the grade after completion of course on 6.8.2014 and promoted on 27.2.2019. It is prayed that promotion order be set aside and case of petitioners be considered for promotion to the post of Male Health Worker.

[13] Mr.Th.Sukumar, learned Government Advocate has refuted the submission of learned senior counsel and counsel for petitioners. It is submitted that as per recruitment rules 1993, for promotion to the post of male Health Supervisor from the post of Male Health Worker, the essential qualifications are- (i) Matriculate/HSLC or its equivalent from a recognized institute; (ii) having trained in Male Health Workers' course from a recognized Institute; and (iii) 5

years regular service in the grade. The petitioners were promoted in the year 2019 obviously having completed training course in MHW prior to entry in service in terms of requirement of recruitment rules. The private respondents were absorbed in the cadre of MHW prior to the enforcement of 1993 Rules, much prior to appointment of petitioners as direct recruit MHW in the year 1919.

[14] Learned Government Advocate submits that private respondents, having been absorbed as MHW in 1993, are senior to the petitioners who were subsequently appointed in 1999 in the cadre of MHW. It is submitted that there is no illegality or infirmity in the seniority list prepared by the department for the cadre of MHW.

[15] It is stated that in the Recruitment Rules of 1993 for promotion to the post of Male Health Supervisor, requirements are (i) Matriculate or equivalent, (ii) complete training course in MHW, and (iii) 5 years regular service in the cadre. Mr.Sukumar, learned Government Advocate referred to the Recruitment Rules and states that in the Rule, nothing is specifically mentioned that five years regular service should be after completion of training programme in MHW. Learned Government Advocate emphasised that when the Rule is clear, its literal meaning has to be given and if Court inserted the word “after” between “training course” and “five years’ regular service”, it will amount to judicial amendment, which cannot be resorted. When words of statute are ambiguous and not clear and in order to uphold statute, Court may interpret by resorting to the golden rule of construction. It is submitted that since Rules are very clear, literal interpretation has to be applied and plea of writ petitioners that five years regular service in the grade should be after completion of training course in MHW may not be adopted on plain reading of Column 11 of the Rules. It is submitted that writ petitions be dismissed being devoid of any merit.

[16] Mr.H.S.Paonam, learned senior counsel assisted by Ms.Harichhaya, learned counsel for the private respondents submits that private respondents were appointed in the cadre of MHW, Sanitary Assistants in the year 1985 to 1993, much prior to enforcement of Recruitment Rules of MHW/MHS, 1993. The posts of private respondents and others who were re-designated as MHW vide order dated 28.12.1992 and the same is much prior to the enforcement of Recruitment Rule of 1993. Petitioners were earlier untrained in MHW Course but subsequently during course of their service they have completed training on MHW. Regarding seniority list, Mr.Paonam, learned senior counsel submits that private respondents and others were appointed prior to 1993 and writ petitioners and others were appointed in the year 1999 as MHW. Thus, placing private respondents as senior to writ petitioners and others in the final seniority list of MHW is in terms of relevant rules. However, Mr.Paonam, learned senior counsel submits that for promotion to the post of MHS in terms of Column 11 of Recruitment Rule, 1993 they have to satisfy three conditions- (i) matriculate or equivalent, (ii) complete training in MHW Course from recognized Institute, and (iii) five years regular service in the cadre. Male Health Workers, who have not undergone training course in MHW will not be eligible for promotion to the post of MHS, as completion of training is one of the essential requirements for promotion. Even if some of the MHW are senior they may not be eligible for promotion, if they have not undergone training course in MHW. Learned senior counsel draws attention of this Court to the fact that all private respondents are MHW with Matriculate or equivalent; have completed training in MHW course; and have more than five years regular service in the cadre. Learned senior counsel further pointed out that when the Rule does not specifically mention that five years regular service should be only 'after' completion of training course of MHW, it will be wrong to interpret that the private respondents do not possess requisite qualification for promotion to the post of Male Health

Supervisors. It is also pointed out that nobody challenged the absorption and re-designation of private respondents and others as MHW on 28.12.1992. It is admitted fact that private respondents and other similarly situated persons are in the cadre of MHW w.e.f. 28.12.1992 and when the petitioners were appointed as MHW on 12.4.1999, they have more than seven years regular service in the cadre of MHW. It is also submitted that the first seniority list was published in the year 2005 and the private respondents were senior. Since in initial seniority list of 2005 placing private respondents and others as senior to the writ petitioners, the petitioners are barred from challenging subsequent seniority lists which are in continuation of seniority list of 2005. It is submitted that writ petitions be dismissed being devoid of any merit.

[17] Mr.N.Ibotombi, learned senior counsel for some of the private respondents submits that in WP(C) No.841 of 2022, respondent Nos. 2 to 24 were promoted to the post of MHS vide order dated 27.2.2019 and respondents Nos.25 and 31 vide order dated 19.5.2020, 32 to 36 vide order dated 31.8.2020 and petitioner has also challenged final seniority list of MHW published on 1.9.2016, 13.1.2020 and 22.2.2021. It is pointed out that petitioners do not challenged the seniority list of MHW published in the year 2005. Private respondents were appointed and re-designated as in the cadre of MHW on 28.12.1992 and petitioners were appointed as MHW in the year 1999 only. Hence, there is no infirmity in the seniority list published by the Department. As the petitioners have not challenged the first seniority list published on 1.6.2005, they are barred from challenging seniority list of MHW and subsequent seniority list under challenge are based on un-challenged final seniority list of MHW published on 1.7.2005.

[18] With respect to WP(C) No.615 of 2020, Mr.N.Ibotombi, learned senior counsel has pointed out that petitioner challenged the tentative seniority

list published on 18.7.2016 and quashing of DPC proceedings dated 16.2.2019. It is stated that tentative seniority could not be challenged and only DPC proceeding is challenged in WP(C) No.615 of 2020 filed on 26.11.2020, but petitioner did not challenge promotion order dated 27.2.2019 of the private respondents and hence, WP(C) No.615 of 2020 is not maintainable in the present form and same deserves to be dismissed on this ground alone.

[19] Mr. N. Ibotombi, learned senior counsel relies on the decision of Hon'ble Supreme Court in **R.B. Desai & Anr. vs S.K. Khanolkar & Ors : (1999) 7 SCC 54** wherein it was held that earlier acquisition of eligibility criteria will not give any advantage, if rule does not provide weightage to the employee who have acquired requisite qualification prior to others. Learned senior counsel also has pointed out that in Column 11 of Recruitment Rules 1993, the rule simply says that MHW with matriculate with qualification of having training in MHW course and five years' regular service in the cadre. It is emphasised that on plain reading of the Rules, there is no advantage or weightage has been provided to a MHW who has acquired requisite qualification much prior to others. However, it is also submitted that Rule does not provide that five years regular service should be only 'after' passing of training course in MHW. In the circumstance, it is submitted that private respondents being very much senior to petitioners and having all the three essential qualifications as stipulated in Column 11 of the Recruitment Rules, are rightly promoted to the higher post of Male Health supervisors. Further, they are placed above the petitioners in the seniority list, as they are very much senior to the petitioners. It is also submitted that having failed to challenge 2005 seniority list, petitioners are barred from challenging subsequent seniority lists of MHW which are based on the 2005 seniority list. It is prayed that writ petitions may be dismissed being devoid of merit with exemplary cost.

FINDINGS:

[20] This Court perused the materials on record. The only issue involved in the present case is interpretation of Column 11 of the Recruitment Rules of MHW and MHS, 1993. It is admitted fact that private respondents were re-designated and absorbed in the cadre of Male Health Workers on 28.12.1992 and Rule was published on 24.11.1993. It is an admitted fact that the private respondents were absorbed in the cadre of MHW in 1992, much prior to the Rule of 1993. It is also admitted fact that writ petitioners and others were appointed as MHW vide order dated 21.4.1999 as direct recruit and in terms of Rule, they have completed training course on MHW prior to entry in service as MHW. It is an undisputed fact that private respondents and others completed MHW training course and requirement for promotion from the post of MHW to MHW are (i) having matriculation or equivalent (ii) having completed training course in MHW and (iii) five years' regular service in the cadre.

[21] It is the case of the petitioners that five years regular service in the cadre should be only 'after' completion of training course in MHW for the reason that the word "five years regular service in the cadre" should be after having completed training course in MHW. It may be noted that Rule does not stipulate that the word 'after' be read into Column 11 of the Rules so as to mean the 'five years regular service in the grade' should be only after completion of training course in MHW. This Court is of the view that in absence of the word 'after' in Column 11 of the Rules, this Court cannot read into the word 'after' in between 'completion of training course in MHW' and '5 years regular service in the grade'. The settled proposition of law is that the meaning of the words used in a statute has to be given their literal meaning, if the same are plain and unambiguous. In case of ambiguity, the court may adopt golden rule of interpretation so as to uphold the object of the legislation. It will be fruitful to refer to the decision of 5 Judge decision of Hon'ble Supreme Court in the case of **Nathi Devi v. Radha**

Devi Gupta: (2005) 2 SCC 271 @ Para 13-18 which held that if the words are clear, plain, unambiguous and reasonably susceptible to only one meaning, the literal meaning should be given in their natural and ordinary sense. When there exists some ambiguity in the language of the statute or the same is capable of two interpretations, doctrine of purposive construction should be adopted so as to give effect to the object and purport of the statute. Relevant para 13 to 18 are reproduced below, so as to understand the concept of interpretation of statute.

13. The interpretative function of the court is to discover the true legislative intent. It is trite that in interpreting a statute the court must, if the words are clear, plain, unambiguous and reasonably susceptible to only one meaning, give to the words that meaning, irrespective of the consequences. Those words must be expounded in their natural and ordinary sense. When the language is plain and unambiguous and admits of only one meaning, no question of construction of statute arises, for the Act speaks for itself. Courts are not concerned with the policy involved or that the results are injurious or otherwise, which may follow from giving effect to the language used. If the words used are capable of one construction only then it would not be open to the courts to adopt any other hypothetical construction on the ground that such construction is more consistent with the alleged object and policy of the Act. In considering whether there is ambiguity, the court must look at the statute as a whole and consider the appropriateness of the meaning in a particular context avoiding absurdity and inconsistencies or unreasonableness which may render the statute unconstitutional.

14. It is equally well settled that in interpreting a statute, effort should be made to give effect to each and every word used by the legislature. The courts always presume that the legislature inserted every part thereof for a purpose and the legislative intention is that every part of the statute should have effect. A construction which attributes redundancy to the legislature will not be accepted except for compelling reasons such as obvious drafting errors. (See *State of U.P. v. Dr. Vijay Anand Maharaj*³, *Rananjaya Singh v. Bajinath Singh*⁴, *Kanai Lal Sur v. Paramnidhi Sadhukhan*⁵, *Nyadar Singh v. Union of India*⁶, *J.K. Cotton Spg. and Wvg. Mills Co. Ltd. v. State of U.P.*⁷ and *Ghanshyamdas v. CST*⁸.)

15. It is well settled that literal interpretation should be given to a statute if the same does not lead to an absurdity.

16. In *Nasiruddin v. Sita Ram Agarwa*⁹ this Court stated the law in the following terms: (SCC p. 589, para 37)

“37. The court’s jurisdiction to interpret a statute can be invoked when the same is ambiguous. It is well known that in a given case the court can iron out the fabric but it cannot change the texture of the fabric. It cannot enlarge the scope of legislation or intention when the language of the provision is plain and unambiguous. It cannot add or subtract words to a statute or read something into it which is not there. It cannot rewrite or recast legislation. It is also necessary to determine that there exists a presumption that the legislature has not used any superfluous words. It is well settled that the real intention of the legislation must be gathered from the language used. It may be true that use of the expression ‘shall or may’ is not decisive for arriving at a finding as to whether the statute is directory or mandatory. But the intention of the legislature must be found out from the scheme of the Act. It is also equally well settled that when negative words are used the courts will presume that the intention of the legislature was that the provisions are mandatory in character.”

17. Even if there exists some ambiguity in the language or the same is capable of two interpretations, it is trite that the interpretation which serves the object and purport of the Act must be given effect to. In such a case the doctrine of purposive construction should be adopted. (See *Swedish Match AB v. Securities & Exchange Board of India*¹⁰.)

18. In *High Court of Gujarat v. Gujarat Kishan Mazdoor Panchayat*¹¹ this Court held: (SCC p. 733, paras 35-36)

“35. The court while interpreting the provision of a statute, although, is not entitled to rewrite the statute itself, is not debarred from ‘ironing out the creases’. The court should always make an attempt to uphold the rules and interpret the same in such a manner which would make it workable.

36. It is also a well-settled principle of law that an attempt should be made to give effect to each and every word employed in a statute and such interpretation which would render a particular provision redundant or otiose should be avoided.”

3 *AIR 1963 SC 946 : (1963) 1 SCR 1*

4 *AIR 1954 SC 749 : (1955) 1 SCR 671*

5 *AIR 1957 SC 907 : 1958 SCR 360*

6 *(1988) 4 SCC 170 : 1988 SCC (L&S) 934 : (1988) 8 ATC 226 : AIR 1988 SC 1979*

- 7 *AIR 1961 SC 1170*
8 *AIR 1964 SC 766 : (1964) 4 SCR 436*
9 *(2003) 2 SCC 577*
10 *(2004) 11 SCC 641 : (2004) 7 Scale 158*
11 *(2003) 4 SCC 712 : 2003 SCC (L&S) 565*

[22] Accordingly, this Court rejects the contention of petitioners that five years regular service should be counted 'after' the date of passing of training in MHW. In the rule, the word 'after' is missing and as such giving an interpretation that the 'five years regular service in the grade' should be counted from 'the date of passing the training' cannot be accepted, in view of the clear meaning of the words enumerated in the rule. If the submission of the petitioners is accepted, it will amount to judicial amendment of the rule by inserting the word 'after' in between the second and third essential conditions of Column 11 of the Rule [i.e., Medical Department, Manipur (Male Health Supervisor & Male Health Worker) Recruitment Rules, 1993] of 'having passed training in MHW' and '5 years regular service in the grade'. This Court is of the considered view that such a construction as contemplated by the petitioners, is impermissible when the words of the provisions are clear and the intention of the framer does not admit of a contrary meaning.

[23] In the circumstances, this Court rejects the prayer of petitioners for quashing promotion of private respondents to the post of Male Health Supervisors. With regard to challenge in the seniority list, this Court perused the seniority list published in the year 2005 and in that seniority list, private respondents are placed above the petitioners. Private respondents who are absorbed in the cadre of MHW on 28.12.1992 were placed above writ petitioners who are direct appointees in the year 21.4.1999. It is also admitted that 2005 seniority list has not been challenged till date and subsequent seniority lists are based on 2005 seniority list. Accordingly, challenge to the seniority lists of MHW is also rejected.

[24] In the circumstances, writ petitions are dismissed. Interim order, if any, merges with the final order. MC[WP(C)] No. 111 of 2021 is accordingly disposed of. Parties are to bear their own costs.

Oinam
Thoiba Meitei

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Date: 2026.07.23
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JUDGE

FR/NFR

Priyojit