Item No.1

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 247 of 2020

Mayengbam Sureshkumar Singh & 4 Ors.
....Petitioners

-Versus-

State of Manipur & Anr. ....Respondents

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

Order

06.07.2020

[1] Heard Mr. HS. Paonam, learned senior counsel assisted by Mr. A. Arunkumar, learned counsel for the petitioner as well as Mrs. Sundari, learned G.A. appearing on behalf of all the respondents.

[2] The Directorate of Education (S) issued a Notification dated 06.07.2018 inviting applications from intending and eligible candidates possessing Post Graduate Degree with at least 50 percent marks in the subject concerned for appointment of 688 Lecturers on contract basis including 409 Lecturers which was already notified and an additional 237 Lecturers and 42 Tribal Dialect Lecturers. Some candidates were not allowed to appear in the examination pursuant to the Notification dated 06.07.2018 on the ground that they were not eligible as per the Recruitment Rules. Therefore, they approached this Court by way of WP(C) No. 1030 of 2018 and this Court passed an Interim Order dated 05.11.2018 directing the respondents to allow the petitioners in WP(C) No. 1030 of 2018 to sit for the written test which was to be held on 11.11.2018 by issuing admit cards in favour of those petitioners. This Court also make an observation that the permission granted by this Court allowing those petitioners to sit for the said test would be subject to

the outcome of the writ petition. WP(C) No. 1030 of 2018 is still pending for disposal till date.

[3] Pursuant to the interim Order dated 05.11.2018 passed in WP(C) No. 1030 of 2018 and other 2 (two) writ petitions, the Director of Education (S) issued an Order dated 06.11.2018 wherein it is indicated that after due consideration, a decision had been taken that the eligible candidates in possession of Master's Degree in Bio-technology for Botany subject, Bio Science for Zoology Subject and also other related subjects were allowed to sit/ appear in the written test to be held on 11.11.2018 for recruitment of Lecturers of Higher Secondary School on contract basis. Further at Clause – 5 of the Order dated 06.11.2018 it was also indicated that recruitment/ appointment of the candidates concerned shall be subject to the outcome of the aforesaid writ petitions.

[4] The present petitioners are beneficiaries of the Order dated 06.11.2018 who had appeared in the written test. The results of the written test held on 11.11.2018 were declared by Notification dated 17.11.2018 and the present petitioners also came out successful and were found qualified for Personal Test (Viva Voce) for engagement to the post of Contract Lecturers at Government Higher Secondary Schools. The petitioners appeared before the Viva Voce Test which commenced from 19.11.2018. Thereafter, by Communication dated 25.11.2019 written by the Under Secretary (Education/S), conveyed the approval of the Government to the proceedings of the Selection Committee meeting held on 19.11.2018 to 25.11.2018 and from 01.12.2018 to 06.12.2018 for recruitment of 605 Lecturers on contract basis in respect of various Government Higher Secondary Schools. However, results for 3 (three) posts of Botany and 4 (four) posts of Zoology were not declared from amongst the 71 posts that were advertised.

[5] Being aggrieved with non-publishing of the results, the petitioners are before this Court by way of the present writ petition

seeking for a direction to the respondents to declare the result for 3 posts of Botany and 4 posts of Zoology and thereafter, appoint the petitioners as Lecturers of Higher Secondary Schools if found successful in the Selection Test.

[6] Mrs. Sundari, learned G.A., on instructions, submits that the contains/ syllabus of the subject of Botany and Zoology prescribed in Class 11 & 12 by the Council of Higher Secondary Education Manipur (COHSEM) does not match with the subject in M.Sc./ Post Graduate of the petitioners and the subjects are entirely different in terms of their syllabus. Therefore, the claims of the petitioners for appointment to the post of Lecturers of Higher Secondary School cannot be considered and entertained inasmuch as it may lead to legal complicacies and other litigations. She further submits that permitting the petitioners to appear in the Recruitment Test was due to the interim Orders passed by this Court. However, as the writ petitions are still pending for disposal, the declaration of the result of the present petitions may attract violation of the interim Order passed in those writ petitions.

[7] I have considered the submissions made by the learned G.A.

[8] This Court has also considered the interim Order dated 05.11.2018 passed in WP(C) No. 1030 of 2018 as well as the Order dated 06.11.2018 passed by the Director of Education (S) whereby the petitioners were allowed to appear in the Written Test. A consideration of both the Orders does not in any way debar the respondents from declaring the results of the petitioners. However, in the interim Order dated 05.11.2018 passed in WP(C) No. 1030 of 2018, this Court had made it clear that granting permission/ allowing the petitioners in that writ petition to sit for the said test shall be subject to the outcome of the writ petition.

[9] The Order dated 06.11.2018 passed by the Director of Education (S) also clearly indicates that recruitment/ appointment of

candidates concerned shall be subject to the outcome of the writ petitions. A consideration of the same would clearly indicate that there is not bar on the respondents to declare the results of the petitioners.

In that view of the matter, the respondents are directed to declare the results of the 3 posts of Botany and 4 post of Zoology. After declaration of the results and if the petitioners are found to have been successful, the petitioners shall be appointed on contract basis. However, it is made clear that their appointment shall be subject to the outcome of WP(C) No. 1030 of 2018, WP(C) No. 1019 of 2018 & WP(C) No. 1025 of 2018. This Court further clarifies that the interim appointment, if made to the petitioners, would not give any right to continue further if they are not found to be successful in the aforesaid writ petitions. Let such exercise be completed within a period of one month from the date of receipt of a copy of the Order of this Court.

With the above observations and directions, writ petition is disposed of.

JUDGE

joshua

WAIKHOM TONEN MEITEI
Digitally signed by WAIKHOM TONEN MEITEI
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