Item No.2

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 262 of 2020

Hijam Apabi

....Petitioner

-Versus-

State of Manipur & 4 Ors. ....Respondents

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

Order

16.06.2020

Heard Mr. M. Hemchandra, learned senior counsel assisted by Mr. Juno Rahman, learned counsel for the petitioner. Also heard Mr. Napolean, learned G.A. appearing on behalf of JNIMS as well as State respondents and Mr. B.R. Sharma, learned standing counsel for the Medical Council of India.

The present writ petition has been filed with the following prayers:

" In the premises stated herein above, it is therefore, most respectfully prayed that Your Lordship's be gracious enough:-

(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 Mandamus/ Certiorari or any other appropriate writ/directions/orders, directing the respondents to implement/execute "Time Scale Promotion Scheme for Teachers (Assistant Professor and Associate Professor) of JNIMS", conveyed vide Govt. approval Letter No. 12/61/2020-M(JNIMS): dated 12.03.2020 issued by the Deputy Secretary (Health & FW), Govt. of Manipur, with effect from 12.03.2020 immediately, in view of the facts and circumstances of the present petition;

(iv) To issue a writ in the nature of Mandamus/ Certiorari or any other appropriate writ/directions/orders, directing the

respondents to publish/make known the inter-se/inter-departmental seniority list of Associate Professors in JNIMS as on 12.03.2020 as per Seniority Rules incorporated under JNIMS Service Rules, 2015.

(v) To issue a writ in the nature of Mandamus/ Certiorari or any other appropriate writ/directions/orders, directing the respondents to incorporate MCI Clarification on Letters dated 30.06.2015, 03.09.2015, 10.12.2015, 31.01.2016 & 12.02.2020 while making final decision on reviewing the Promotion Order dated 06.08.2015 and review the same after obtaining written clarification about the irregularities/ anomalies found out mainly in the letter No. MCI-12(1)/2019-TEQ/189338-39: dated 12.02.2020 from the Medical Council of India (MCI).

(vi) To issue a writ in the nature of Mandamus/ Certiorari or any other appropriate writ/ directions/orders, directing the respondents to consider and dispose of reason and speaking order within stipulated period of time.

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

(viii) To call for the entire relevant records;

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

Learned senior counsel appearing for the petitioner submits that the petitioner for redressal of his grievances had made a detailed Representation dated 04.06.2020 before the concerned authorities which is still pending for disposal and therefore, at this stage, the petitioner will be satisfied if a direction is given to the respondents to consider and dispose of the representation at an early date.

Learned senior counsel for the petitioner further submits that this Court by an Order dated 01.06.2020 had disposed of WP(C) No. 177 of 2017 along with 4 (four) other analogous matters wherein a direction was issued to the respondents to consider for reviewing the Order dated 25.10.2016 by taking into consideration the Clarifications dated 03.09.2015, 10.12.2015 & 12.12.2020 within 45 (forty five) days from the date of receipt of the said Order. He submits that the same

would prejudice the case of the present petitioner if a proper consideration is not made by the concerned authorities.

Mr. Napolean, learned G.A. appearing on behalf of the JNIMS as well as the State respondents has furnished a Letter dated 15.06.2020 addressed to him which contains the parawise instructions with regard to the present case wherein it is indicated that considering the Order dated 01.06.2020 passed in WP(C) No. 177 of 2017 and 4 (four) other analogous writ petitions, the respondents had sought for clarification regarding the Letter dated 12.02.2020 and consequently, they have received a reply by way of Communication dated 10.06.2020 which mentions that the clarifications made in the Letter dated 12.02.2020 is general in nature and is applicable to all the colleges in India.

Be that as it may, as the prayer of the petitioner is limited at this stage for consideration of this Representation dated 04.06.2020, this writ petition is disposed with a direction to the respondents particularly, respondent Nos. 1 & 4 that while considering the case of the petitioners in WP(C) No. 177 of 2017 and 4 (four) other analogous matters the Representation dated 04.06.2020 made by the present petitioner be also considered by also taking into consideration the Communication dated 12.03.2020 written by the Deputy Secretary (Health & FW), Government of Manipur to the respondent No. 4.

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

Furnish a copy of this Order to the learned counsel appearing for all the parties through their respective e-mails.

JUDGE

joshua

WAIKHOM TONEN MEITEI
Digitally signed by WAIKHOM TONEN MEITEI
Date: 2020.06.17 10:44:19 +05'30'