IN THE HIGH COURT OF MANIPUR
AT IMPHAL

Cont. Case (C) No. 59 of 2020

The Administrator, Manipur University, Canchipur, P.O. Manipur University, P.S. Singjamei, Imphal West District, Manipur – 795003.

… Petitioner(s)

Vs.

Shri Yumkham Kanta Roy, aged about 53 years, S/o (Late) Y. Tomba Roy, resident of Lairik Yengbam Makha Leikai, P.O. Lamlong, P.S. Lamphel, District Imphal East District, Manipur – 795010.

… Respondent(s)

B E F O R E
HON'BLE MR. JUSTICE KH. NOBIN SINGH
HON'BLE MR. JUTICE A. BIMOL SIINGH

O R D E R

07-07-2020

Kh. Nobin Singh

[1] Heard Shri B.P. Sahu, learned Senior Advocate appearing for the petitioner.

[2] The instant contempt case was filed by the petitioner praying for initiating suo moto contempt proceedings against the respondent. On 19-06-2020 when the above case came up for consideration, this Court granted the counsel appearing for the petitioner some time to seek instruction in the matter.

[3] Thereafter, an application dated 01-07-2020 was submitted to the Hon'ble Chief Justice, High Court of Manipur through the Registrar (Judl.), High Court of Manipur praying for taking up and initiating contempt proceedings against the respondent. In view of this application being filed by the counsel appearing for the petitioner, the contempt case being Cont. Case (C) No. 59 of 2020 stands closed.

[4] It may be noted that one petition being PIL No.49 of 2018 was filed by Shri Chongtham Nimai Singh wherein this Court passed an interim order dated 11-10-2018 by which Shri Jarnail Singh was appointed as the Administrator, Manipur University and the relevant directions as contained therein read as under:-

> ***"(14)*** *We have given our anxious thought and consideration over the matter and volatile and often violent situation continuing in Manipur University and considering the best interest of the students and present very disturbing situation prevailing, we have reluctantly opted to intervene in the matter by issuing the following directions.*
>
> ***1.*** *We, hereby, appoint a neutral person as an ADMINISTRATOR who is fully empowered to discharge the functions of the Vice-Chancellor as provided under the Manipur University Act, 2005 and such other relevant statues, whose primary duty and responsibility is to bring normalcy in Manipur University.*
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> ***2.*** *For the above purpose, we appoint SRI JARNAIL SINGH, IAS (Retired), and former Chief Secretary of Manipur, who had also served as Joint Secretary to the Office of the Prime Minister, who has vast experience of administration in the State of Manipur and was awarded the Prime Minister's Award for Excellence in Public Administration for the year 2007-08, as the ADMINISTRATOR.*
>
> ***3.*** *SRI JARNAIL SINGH is fully authorised to choose and appoint any competent person as in charge Registrar of the University and he will be at liberty to appoint any other person(s) to aid, assist and advise him in discharge of the functions of the Vice Chancellor.*
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> ***4.*** *SRI JARNAIL SINGH is also fully empowered to pass any such order(s) and/or to review and revoke any such order(s) and to do such act(s) as he may deem fit for bringing normalcy to the University and defuse the volatile situation by engaging in constant dialogue and interactions with all the stakeholders, so long it is not contrary to any order of the Court.*

He may also seek the assistance of the State Government and Union Respondent/Central Government in this regard, who shall provide such assistance as may be necessary and requisitioned.

5. *<u>During this period, and so long as the ADMINISTRATOR is functioning</u>*

A. *The appointment of Shri K. Yugindro Singh as the Pro-Vice Chancellor under order dated 11.09.2018 issued by Prof. Adya Prasad Pandey shall remain suspended.*

B. *The appointment of Prof. W. Vishwanath Singh to look after the office of the Vice Chancellor vide order dated 01.08.2018 issued by Prof. Adya Prasad Pandey shall also remain suspended.*

C. *The appointments of Shri Shyamkesho Singh as Registrar in charge and Sri Sh. Dorendrajit Singh as Registrar in charge shall also remain suspended.*

D. *The Visitor of the University/Union Respondent will ensure that the suspension of Shri Adya Prasad Pandey as Vice Chancellor vide order dated 17.09.2018 issued by the Visitor of the University is continued and not revoked during the continuation of the office of the Court Appointed ADMINISTRATOR as mentioned above, and without specific leave of this Court.*

6. *All the authorities under the Manipur University Act, 2005 and all the respondents including the Union and State Respondents and Private Respondents herein, shall render their full cooperation and assistance to the ADMINISTRATOR in his duties to bring normalcy to the University and also, as and when the ADMINISTRATOR specifically seeks their assistance.*

7. *No authority, including under the Manipur University Act, 2005 shall have any authority to curtail the power and functions of the ADMINISTRATOR without specific leave of this Court.*

8*. <u>Any person, whether he is a party in this petition or not, if obstructs the smooth functioning of the ADMINISTRATOR, will be deemed to interfere or obstruct the administration of justice, as the ADMINISTRATOR has been appointed by this Court to act on behalf of the Court with the specific task of bringing</u>*

normalcy to the University. Accordingly, any such person who may interfere or cause obstruction to the functioning of the ADMINISTRATOR may be liable to be proceeded and punished accordingly under the Contempt of Courts Act, 1971 and/or under Article 215 of the Constitution of India, for which, the ADMINISTRATOR will move this Court. Any party in this proceeding will be also at liberty to bring to the notice of this Court any such contumacious activity for necessary action by the Court.

9. *All the authorities earlier functioning as Pro Vice -Chancellor or Vice Chancellor in charge, or Registrars in charge, shall immediately handover the charge to the Court Appointed ADMINISTRATOR and they shall forthwith refrain from acting under any such capacity.*

10. *SRI JARNAIL SINGH shall be entitled to draw salaries and enjoy perks and such facilities as entitled to the Vice Chancellor, as he may determine, in accordance with the financial norms, rules and regulations of the Manipur University.*

11. *It shall be the responsibility of the State Government to provide necessary security and safe and secure accommodation for the Court Appointed ADMINISTRATOR.*

12. *SHRI JARNAIL SINGH is requested to immediately take over charge as the Court Appointed ADMINISTRATOR and start discharging his duties and functions of the Vice Chancellor and do all such deeds and acts to bring normalcy to Manipur University as mentioned above.*

13. *In order to effectuate this mandate, authority and power of the ADMINISTRATOR to bring normalcy to the University, the ADMINISTRATOR will have the liberty to approach this Court for any clarification of this order or seek any further order or directions from this Court.*

14. *This arrangement and these directions will continue till normalisation of the situation in Manipur University is attained or until further order of this Court.”*

[5] While Shri Jarnail Singh was serving as the Administrator, Manipur University, the said PIL was disposed of by this Court vide its judgment and order dated 22-05-2019 whereby the said interim order dated 11-10-2018 stood merged with it. Being aggrieved by the judgment and order dated 22-05-2019, some petitions for special leave to appeal being SLP Nos. 16686 to 16689 of 2019 were preferred which were dismissed by the Hon'ble Supreme Court vide its order dated 26-07-2019 with the result that the judgment and order dated 22-05-2019 had attained its finality.

[6] The grievance of the petitioner as stated in the application is that while Shri Jarnail Singh has been exercising his power and discharging the functions of the Vice-Chancellor as per the directions contained in the said interim order dated 11-10-2018 as well as that of the judgment and order dated 22-05-2019, some writ petitions including WP(C) No.1018 of 2018, WP(C) No. 201 of 2020 etc. have been filed by the respondent contending inter-alia that the Administrator has taken various actions towards recruitment in respect of various posts in Manipur University without any authority of law. The purpose of filing such petitions was to harass, disturb and obstruct the smooth functioning of the Administrator.

[7] The allegation made by the respondent in the said writ petitions as contended by the petitioner herein, appears to be prima facie incorrect for the reason that the Administrator was given ample power by this Court for discharging the functions of the Vice-Chancellor as contained in the interim order which stood merged with the judgment and order dated 22-05-2019 till a new Vice-Chancellor being appointed by the Government of India. In other words, the functions of the Vice-Chancellor as provided under the Manipur University Act, 2005 and such other relevant statues which are to be discharged by the Administrator would mean and include the recruitment of the staff - teaching and non-teaching. Being aggrieved by the said interim order

dated 11-10-2018, Prof. K. Yugindro Singh challenged it before the Hon'ble Supreme Court, by way of SLP(C) No. 28380 of 2018, which declined to interfere with the interim order which had stood merged with the judgment and order dated 22-05-2019 which had attained its finality. No one can question the power of the Administrator, as long as he is not replaced by a new Vice-Chancellor appointed by the Union of India, except in cases where the power has been misused or exercised by him contrary to or in violation of the law which may give rise to a cause of action warranting interference by the Court.

[8] In view of the above, this Court is of the view that a prima facie case of criminal contempt has been made out in the present case and in particular, the aforesaid application.

[9] Accordingly, we direct the Registrar General and the Registrar (Judicial), High Court of Manipur to take appropriate steps, in accordance with law, so as to register a suo motu criminal contempt on the basis of the application dated 01-07-2020 after placing it before the Hon'ble Chief Justice, in the administrative side, for his consideration & approval and to list the contempt case, thereafter, before the appropriate bench, as directed by the Hon'ble Chief Justice.

Copies of this order shall be sent to the learned counsels appearing for the parties through their WhatsApp/ e-mail.

JUDGE **JUDGE**

Devananda

WAIKHOM TONEN MEITEI

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