Yumkham Rother
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Item No.12
(Video Conferencing)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WA No. 11 of 2018

The State of Manipur & ors. ……..Appellants

- Versus –

Thingbaijam Deben Singh & ors. ……. Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR.JUSTICE LANUSUNGKUM JAMIR

For the appellants :: Mr. N.Kumarjit, AG
For the respondents :: Mr. Anjan Sahu, Advocate

Date of order :: 11.12.2020

ORDER(ORAL)

CJ

[1] Heard Mr.N.Kumarjit, learned Advocate General for the appellants and Mr.Anjan Sahu, learned counsel for the respondents.

[2] This appeal is filed against the order of the learned Single dated 12.7.2017 passed in WP(C) No.848 of 2016. The impugned order reads as follows:-

> "Heard Shri B.P. Sahu, learned Senior Counsel appearing for the petitioners; Shri Sobhana, learned Government Advocate appearing for Respondent No. 1 and Shri L Raju, learned counsel appearing for Respondent No. 2.
>
> By the instant writ petition, the petitioners have prayed for quashing/setting aside the impugned notification dated 6/8/2016 & the order dated 19/9/2016 and also for issuing a direction to the respondents to consider the cases of the petitioners for regularisation/absorption/ appointment to the said posts of Village Extension Worker/Field Assistant, Jeep Driver, Primary Prize Reporter, Field Man, Peon and Chowkidar.
>
> In order to contest the writ petition, affidavit-in-opposition have been filed on behalf of Respondent Nos. 1 & 2 wherein it has been stated that since all the vacant posts have been filled up, there are no vacancies available to which the petitioners have filed an affidavit showing that there are vacancies still available in the Department. Accordingly, Shri B.P. Sahu, learned Senior Counsel appearing for the petitioners submits that the instant writ petition can be disposed of with the direction that the cases of the petitioners be considered against the said existing vacancies available in the Department and in reply

thereto, Shri L. Raju, learned counsel appearing for the respondents submits that not only the petitioners but the other eligible persons also are required to be considered by the State Government.

Accordingly, the writ petition is disposed of with the direction that the respondents shall consider the cases of the petitioners as well as the persons similarly situated within a period of 2 (two) months from the date of receipt of a copy of this order for the purpose of regularization/absorption/appointment in accordance with the relevant recruitment rules."

[3] The only reason for filing the appeal as stated by the learned Advocate General is that there is no reason given by the learned Single Judge to direct the Appellants State to consider other eligible persons besides the respondents petitioners. We, however, find this argument advanced by the State represented by the learned Advocate General strange because the writ petition was filed by 23(twenty-three) persons and when their case was taken up, Mr.L.Raju, learned counsel for the respondent State submitted on his part that other eligible persons should also be considered by the State Government and that has been recorded by the learned Single Judge.

[4] What has been stated by the counsel representing the State is binding on the State unless it is established that no such instruction was given to the counsel.

[5] We find in this appeal, no such averment that Mr.L.Raju, who appeared for the State, has made such a submission contrary to instructions. In such circumstances, we find no justification for the State to file appeal against such an innocuous order, i.e., to consider the claims of all eligible persons. The order of the Single Judge cannot be faulted with. No other plea was made by the learned Advocate General. Accordingly, find no merit, the appeal fails and it is dismissed.

JUDGE CHIEF JUSTICE

FR/NFR

Opendro(rt)