IN THE HIGH COURT OF MANIPUR

AT IMPHAL

W.P. (C) No. 617 of 2019

Khrowelo Wezah, aged about 31 years, S/o (Late) Athute Wezah, resident of Jessami Village, P.O. & P.S. Jessami, Ukhrul District, Manipur, 795142.

… Petitioner

-Versus-

1. The State of Manipur represented by the Director (Health and Family Welfare), Government of Manipur, Imphal – 795001.
2. Principal Secretary (Health & Family Welfare), Government of Manipur, Imphal – 795001.
3. The Chief Medical Officer/ Ukhrul, Ukhrul District, Government of Manipur, 795142.
4. The Medical Officer, Chingai PHC, Ukhrul District, Manipur, 795142.

…. Respondents

B E F O R E

HON'BLE MR. JUSTICE KH. NOBIN SINGH

O R D E R

14-02-2020

[1] Heard Shri Tamreiyo Jajo, learned Advocate appearing for the petitioner and Shri Th. Vashum, learned Government Advocate appearing for the State respondents.

[2] By the instant writ petition, the petitioner has prayed for issuing a writ of mandamus or any other appropriate writ to direct the respondents to implement the Scheme framed on 29-06-1983 and also to direct the respondents to issue an order for appointment of the petitioner to a Grade – IV post in terms of the said Scheme framed by the State Government.

[3] According to the petitioner, he is a bona fide and law abiding citizen of India having its permanent residence at Ukhrul District, Manipur. In order to construct a Primary Health Centre (PHC) at Jessami, the State of Manipur requested the Village Authority, Jessami to donate a piece of land. As the Village Authority was seriously concerned about the health care of the villagers, it declared through circular for construction of Primary Health Centre, for which the Village Authority, Jessami and the petitioner agreed to the proposal of the State Government. Accordingly, a deed of agreement between the land owner/petitioner and the Village Authority was executed on 07-03-2011 in connection with the construction of the Primary Health Centre and staff quarter at Jessami by way of donation in consideration of giving preference to appointment of the land doner/petitioner to a Grade – IV post. Another deed of agreement was executed on 19-07-2011 amongst the Chairman, Village Council of Jessami on behalf of the Village Authority; the land owner/ petitioner and the State of Manipur represented by a Medical Officer, in-charge PHC, Chingai, by which the parties agreed that the first party shall transfer a piece of land in favour of the State Government for construction of the Primary Health Centre and in consideration thereof, a Grade – IV post shall be given to the land owner.

[4] It may be noted that the Government of Manipur, Department of Personnel and Administrative Reforms issued an O.M. dated 29-06-1983 containing the Guidelines for selection of the candidates for appointment to the post of Grade – IV in case of the people who donated the land for construction of office building or running dispensaries, etc. The case of the petitioner is that the benefits of the said O.M. shall be extended to the petitioner and in addition to that, it has been contended by him that in similar cases, Shri Kosul Anal of Chandel donated a piece of land and in lieu thereof, he was given appointment on the recommendation of a DPC held on 25-08-1980 as Cook. Similarly, Shri L. Ashalarkhum Anal was also given appointment to the post of Male Health Worker thereby complying with the order dated 09-09-1991 passed by the

Hon'ble Gauhati High Court in C.R. No. 375 of 1991. However, the petitioner has been denied the benefit of appointment as Grade – IV after the land being donated by him which is violative of Article 14 of the Constitution of India.

[5] The petitioner is the eldest son of the family and since there is no earning member in the family, the petitioner donated the land with the expectation of an appointment being offered to him. The father of the petitioner expired and with his mother becoming very old, it has become the responsibility of the petitioner to look after them.

[6] The petitioner submitted various representations, some of which being representations dated 25-05-2015 and 06-02-2017 which are still pending for consideration by the respondents. In addition to that, the petitioner got a Legal Notice dated 17-07-2019 issued to the Principal Secretary, Health & Family Welfare, Government of Manipur through his Advocate. Despite the said representations being submitted by the petitioner, the respondents have failed to take appropriate action as regards the appointment of the petitioner to a Grade – IV post and accordingly, the instant writ petition has been filed by him.

[7] When the matter is listed for consideration, it has been submitted by the learned counsel appearing for the petitioner that the instant writ petition can be disposed of by issuing an innocuous order and accordingly, the instant writ petition stands disposed of with a direction that the respondents shall consider the said representations dated 25-05-2015 and 06-02-2017 within a period of one month from the date of receipt of a copy of this order and issue a speaking order in respect thereof.

JUDGE

Devananda

WAIKHOM TONEN MEITEI Digitally signed by WAIKHOM TONEN MEITEI Date: 2020.02.25 09:55:55 +05'30'