IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 599 of 2020

Khuraijam Sanatombi Devi & 2 Ors.

...Petitioners

- Versus -

State of Manipur & 2 Ors.

...Respondents

(VIDEO CONFERENCE)

B E F O R E
HON'BLE MR. JUSTICE KH. NOBIN SINGH

O R D E R

01-12-2020

Heard Ms. Geetarani, learned counsel appearing for the petitioners.

[2] There are three writ petitioners herein and according to them, the petitioner Nos. 1 & 2 were initially appointed as Lecturers for a period of five years on temporary basis on Physical Education, Health Education & Sports, Manipur vide order dated 29-11-1988 while the petitioner No. 3 was initially appointed as Lecturer vide order dated 01-04-1991 issued by the Principal, D.M. College of Science, Imphal in a similar capacity.

[3] The petitioners along with two others approached the Hon'ble High Court by way of writ petition being CR No. 979 of 1993 praying for directions to absorb and regularize them in their respective services wherein the Hon'ble Gauhati High Court was pleased to pass an interim order dated 13-10-1993 directing that the petitioners therein be not ousted from their services. Without having honoured the said order, the Principal,

D.M. College of Science, Imphal issued an order dated 27-11-1993 disengaging the petitioners and being aggrieved by it, the petitioners along with three others filed an application which was disposed of by the Hon'ble Gauhati High Court vide its order dated 11-03-1994 directing the respondents therein to consider the cases of the petitioners and others. Thereafter, the letter dated 19-11-1994 was issued by the Addl. Secretary (Edn.), Government of Manipur to the Director of Education (U), Manipur in respect of the appointment of teaching and non-teaching staff of Physical Education, Health Education & Sports in the D.M. College of Science.

[4] The services of the petitioners were regularized with effect from the dates they joined for duty vide order dated 25-10-1997 issued by the Under Secretary (Hr. Edn.), Government of Manipur. Out of the petitioners therein, Shri Ningombam Jainendrakumar Singh filed a fresh writ petition being C.R. No. 1079 of 1996 which was disposed of on 13-07-1999 directing the respondents therein to treat his appointment as regular appointment from the date on which he joined for duty in the post. It was observed in the order that the regular appointment from that date should not create any legal right to him for the service benefit like backwages, etc. Being aggrieved by the said order dated 13-07-1999, a writ appeal being WA No. 209 of 1999 was preferred by Shri Ningombam Jainendrakumar Singh against it which was disposed of on 04-11-2004 with the direction that he would be granted the benefit of pension and leave from the date he entered service from Physical Education Teacher and that he would be entitled to continue in service with effect from 09-09-1981 modifying the order dated 13-07-1999. It was further directed to issue necessary order to

regularize his service with intimation to the Accountant General, Manipur. Thus, the past service of Ningombam Jainendrakumar Singh as Physical Education Teacher was counted as qualifying service for the purpose of retiral benefits vide order dated 14-02-2005 issued by the Under Secretary (Hr. Edn.), Government of Manipur.

[5] The case of the petitioners is that they are similarly situated with Shri Ningombam Jainendrakumar Singh as they had been working in the same Department and in the same field as Lecturers in Physical Education, Health Education & Sports and therefore, the petitioners approached the authorities concerned from time to time to count their past services i.e. from the dates of joining their services as had been done in the case of Shri Ningombam Jainendrakumar Singh. It may be noted that in the meantime, the Principal, D.M. College of Science wrote a letter dated 02-07-1999 to the Director, Education (U), Govt. of Manipur regarding the service link-up and release of arrears towards salaries of the petitioners and the Director of Education (U), in turn, wrote a letter dated 27-10-1999 to the Secretary, (Hr. Edn.), Govt. of Manipur for taking up necessary action. A reminder dated 07-10-2003 was addressed to the Director of Education (U), Manipur by the Principal, D.M. College of Science to look into the matter at an early date.

[6] Despite the aforesaid letters being written to the authority concerned, no appropriate action was taken by the State respondents which prompted the petitioners to submit representations dated 23-10-2020 praying for their retrospective regularization from the dates on which

they joined their services. On the same day, i.e. 23-10-2020, the Principal, D.M. College of Science wrote a letter to the Director of University and Higher Education, Govt. of Manipur forwarding the said representations. But the State respondents have failed to take appropriate action and the inaction on the part of the respondents had violated the provisions of Articles 14 and 16 of the Constitution of India. Being aggrieved by the inaction on the part of the respondents, the instant writ petition has been filed by the petitioners

[7] When the matter is taken up for consideration, it has been submitted by the counsel appearing for the petitioners that the instant writ petition can be disposed of by issuing an innocuous order and accordingly, the instant writ petition stands disposed of with the direction that the petitioners shall submit a fresh and detailed representation to the Commissioner (Higher Education), Government of Manipur within a period of one week from the date of receipt of a copy of this order and in the event of such a representation being submitted by the petitioners, the Commissioner, Higher Education shall consider it and dispose of within a month from the date of receipt of a copy of the representation by issuing a speaking order in respect thereof.

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

JUDGE

Victoria

Yumkham Rother
Digitally signed by Yumkham Rother
Date: 2020.12.02 12:43:22 +05'30'