IN THE HIGH COURT OF MANIPUR
AT IMPHAL

W.P.(C) No. 660 of 2019

Romeo Bundon …*Petitioner*
-vrs.-
State of Manipur & 5 ors. …*Respondents*

B E F O R E
HON'BLE MR. JUSTICE KH. NOBIN SINGH
(VEDEO CONFERENCE)

09.07.2020.

[1] Heard Mr. Moyonkui Nglung, learned counsel appearing for the petitioner; Mr. Aleng Vashum, leaned GA for the State respondents and Mr. S. Samarjit, learned CGC for respondent Nos. 5 & 6.

[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 quash and set aside the Notification dated 18.12.2018 for setting up a Eklavya Model Residential School (EMRS) at Mantri Pantha Village, Chandel H.Q. Chandel District, Manipur and to direct the respondents to construct the said school at Khambathel Village, Western Valley Area, Chandel.

[3] The All Manipur Tribal Union approached the Hon'ble Minister (TA & H), Manipur by way of submitting a representation dated 17.11.2017 praying for opening the Eklavya Model Residential School at Western Valley Area, Chandel Sub-Division, Chandel District, Manipur, since there is shortage of infrastructure for the development in Education sector in this area. The Khambathel Village

comprises about 50 (fifty) tribal villages, surrounded by many Naga and Kuki villages and is one of the most backward area in education sector.

[4] On 29.11.2017, the Director of Tribal Affairs & Hills, Manipur forwarded the said letter to the Principal Secretary (TA & H), Govt. of Manipur with a request to convey the approval of Government for preparation of concept paper for the said work to be submitted to the Ministry of Tribal Affairs, New Delhi. Thereafter, the Director (TA & H), Manipur received a letter dated 14.12.2017 from the Under Secretary(TA &H), Govt. of Manipur conveying the approval to open Eklavya Model Residential School at Western Valley Area, Chandel Sub-Division, Manipur. On 20.03.2018, the Joint Secretary (TA & H), Manipur forwarded the Detailed Concept paper for opening of a New Eklavya Model Residential School (EMRS) at Western Valley area, Chandel Sub-Division, Chandel District, Manipur to the Joint Secretary, Ministry of Tribal Affairs, Government of India, New Delhi. Thereafter an Addendum dated 25.06.2018 was issued by the Ministry of Tribal Affairs, New Delhi, followed by a letter dated 26.06.2018 conveying the sanction of the President of India for an amount of Rs. 10,23,95,000/- only as 2nd Installment to the Government of Manipur. On 19.10.2018, the Deputy Commissioner, Chandel wrote a letter to the SDO to initiate an enquiry upon the proposed site for establishment of Eklavya Model Residential School (EMRS) at Khambathel village, Western Valley Area, Chandel District. On 30.11.2018, the Under

Secretary (TA & H), Govt. of Manipur addressed a letter to the Deputy Commissioner, Chandel District to take immediate action for establishment of the said school. A Memorandum dated 22.12.2018 was issued by the Joint Director, TA & Hills, Manipur stating that the Finance Department (Budget) Manipur has authorized for an amount of Rs. 851.50 lakhs during the year, 2018-19 in respect of the activities concerning the establishment of the Eklavya Model Residential School (EMRS) at Khambathel village, Chandel.

[5] To their shock and surprise, the Deputy Commissioner, Chandel in collusion with some vested interests hijacked the project solely for their personal interest and gave a false report to the Additional Chief Secretary on 18.12.2018 stating that there is no land available at Khambathel Village, Western Valley Area, Chandel Sub-Division, Chandel and recommended for shifting the same at Mantri Pantha Village, Chandel District.

[6] Being aggrieved by the action and inaction on the part of the respondents, the Chairman of the Western Village Areas Chief's Association, Chandel, Manipur submitted a Memorandum dated 02.02.2019 to the Joint Secretary (TA & Hills), Govt. of Manipur with strong objection to the proposed shift of location of EMRS from Khambathel village to Mantripantha village. On receipt thereof, the Joint Secretary (TA & H) wrote a letter dated 01.03.2019 to the Deputy Commissioner, Chandel District for taking up necessary action in the matter. A legal notice

dated 06.03.2019 was served upon the respondent Nos. 1 & 4 to settle the matter amicably but they failed to take a decision in the matter. Hence, the instant writ petition has been filed by the petitioner.

[7] An affidavit-in-opposition has been filed on behalf of the respondent nos. 1 & 3 stating that there was proposals of setting up EMRS at different places. On 19.10.2018 the Deputy Commissioner, Chandel wrote a letter to the SDO, Chandel for initiating an enquiry upon the proposed site but a report was submitted stating that there is no land available for the establishment of Eklavya Model Residential School (EMRS) at Khambathel village and since the land, at that point of time, was available at Mantri Pantha Village, the State Government decided to construct it at Mantri Pantha.

[8] When the matter is taken up for consideration it has been submitted by the learned counsel for the petitioner that the instant writ petition can be disposed of by issuing an innocuous order and accordingly, the writ petition stands disposed of with the direction that the respondents and in particular, the respondent Nos. 1 & 2 shall consider the representations dated 02.02.2019 and 19.08.2019 and dispose of the same keeping in mind the letter dated 20.03.2018 addressed to the Joint Secretary, Ministry of Tribal Affairs, Government of India, New Delhi by the Joint Secretary (TA & H), Government of Manipur and the letter dated 04.10.2018 addressed to the Deputy Commissioner, Chandel by the Under Secretary (Tribal Affairs & Hills),

Govt. of Manipur within a period of 1(one) month from the date of receipt of a copy of this order by issuing a speaking order in respect thereof.

JUDGE

Dhakeshori

WAIKHOM TONEN MEITEI

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