IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 626 of 2020

Wahengbam Ratankumar Singh.

...Petitioner

- Versus -

State of Manipur & 3 Ors.

...Respondents

(VIDEO CONFERENCE)

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

O R D E R

17-12-2020

[1] Heard Shri N. Jotendro, learned Senior Advocate appearing for the petitioner.

[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 for upgradation of the petitioner to the post of Joint Director (SCERT).

[3] According to the petitioner, he was initially appointed as Assistant Science Graduate Teacher in the Department of Education on ad -hoc vide order dated 27-02-1991 and his service was extended from time to tome till when his service was regularized vide order dated 31-08-1994 in the Department of Education (S), Manipur.

[4] After having served for about two years, the service of the petitioner was utilised on deputation as OSD/NFE in the State Council of Educational Research and Training (SCERT) vide order dated 31-07-1996

and since then, the petitioner has been serving in the SCERT on various capacities. After about eighteen years of serving as OSD/NFE, he was transferred with the post to the SCERT and thereafter, the post of Science Graduate Teacher was re-designated as Assistant Project Officer (Planning) vide order dated 29-11-1999 and thereafter, the petitioner was promoted to the post of Project Officer (SCERT), Manipur vide order dated 14-02-2014 and since then, he has been continuing in the said post.

[5] There are two recruitment rules for the post of Project Officer such as Project Officer (SCERT) and Project Officer (NFE). As per the notification dated 19-02-2002, the recruitment rules were framed for promotion to the post of Joint Director (NFE/SCERT), the feeder posts of which were the Principal (DIET) with three years and DI (AVE)/Project Officer (NFE) with five years of regular service in the grades. After the said recruitment rules having been amended on 07-11-2016, the feeder post that had been kept, was only the post of Project Officer (NFE) with five years in the grade. Thereafter, on 27-11-2002, the recruitment rules for promotion to the post of Producer were published which was later designated as the post of Joint Director vide order dated 07-07-2010 but there was no separate rules for promotion to the post of Joint Director (SCERT).

[6] The petitioner submitted a representation dated 13-05-2016 to the Director (SCERT), Manipur requesting that since the post of Joint Director (NFE) and Joint Director (SCERT) have the same functions and duties, the analogous posts like Project Officer, Assistant Text Book

Officer, Social Organiser, etc. be kept in the feeder line of Joint Director followed by a representation dated 03-10-2017 requesting for preparation of seniority list of Project Officers. Till date, the said representation has not been disposed of.

[7] Shri Kh. Ashok Kumar who was promoted to the post of Project Officer on 14-02-2014, was allowed to hold the post of Joint Director (NFE), SCERT vide order dated 28-11-2019 on the ground that he was the lone person eligible for promotion to the post of Joint Director (NFE). Had the said representation of the petitioner been considered, he ought to have been placed above Shri Kh. Ashok Kumar. The petitioner submitted another representation dated 18-11-2020 requesting his upgradation to the post of Joint Director (SCERT) and the same is still pending for consideration by the respondents. Being aggrieved by the inaction on the part of the respondents, the instant writ petition has been filed by the petitioner contending inter-alia that the petitioner, after the completion of five years' service, was qualified for promotion as per the rules and that unless the petitioner's case is considered for such upgradation/ promotion, the other junior incumbent who is looking after the post of Joint Director (NFE) is likely to be promoted to the post of Joint Director (NFE).

[8] When the matter is taken up for consideration, it has been submitted by Shri N. Jotendro, learned Sr. Counsel appearing for the petitioner that the instant writ petition can be disposed of by issuing an innocuous order and hence, the instant writ petition stands disposed of with the direction that the representation dated 18-11-2020 submitted by

him shall be considered by the respondents within a period of one month from the date of receipt of a copy of this order and disposed of by issuing a speaking order in respect thereof.

[9] 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: 2020.12.18 15:36:57 +05'30'