

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL NO. 42 of 2019

Yumkhaibam Ruhinikumar Singh, aged about
56 yrs. s/o late Y. Bidhu Singh of Uripok Bachaspati Leikai,
P.O. & P.S. Imphal, Imphal West District, Manipur.

.....Petitioner

-VERSUS-

1. The State of Manipur represented by the chief Secretary, (Forest & Environment), Government of Manipur.

2. The Secretary, (Law), Government of Manipur.

3. Shri Laishram Radhakishore Singh, M.L.A.
25-Oinam Assembly Constituency, Manipur Legislative Assembly,
Manipur resident of Keinou Thongkha, B.P.O. keinou,
P.O. & P.S. Bishnupur, Bishnupur District, Manipur at
present Staying at Sanjenthong State Guest House, Imphal, Imphal West
Manipur.

..... Respondents

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE KH.NOBIN SINGH

For the Petitioner :: Shri H. Dijen Singh, Advocate

For the respondent :: Mr.N.Kumarjit, AG

Date of Order :: 27.11.2019

O R D E R (ORAL)

CJ,

Heard Mr. H. Dijen Singh, learned counsel for the petitioner
and Mr.N.Kumarjit, learned AG for the State respondents.

[2] The prayers in this Public Interest Litigation are as follows:-

- "i. To admit the present writ petition.
- ii) To quash or set aside the order No.54/75/2004-For(MPCB)
dated 24th March, 2017 nominating Shri Laishram Radhakishore

Singh, MLA as Chairman of Manipur Pollution Control Board as he is not competent to nominate as Chairman, MPCB under section 4(2)(a) of the Water Act, 1974; “

iii) To direct the respondents to framed guideline or recruitment rule for appointment/nomination for the post of Chairman & Member Secretary of MPCB;

iv) To pass any such order or orders which the Hon'ble Court may deem fit, proper and just in the facts and circumstance of the present case.”

[3] When the learned counsel for the petitioner was informed about the decision of the Hon'ble Supreme Court in the case of **Girjesh Shrivastava and Others vs. State of M.P. and Others** reported in **(2010) 10 SCC 707**, he pleaded that if the present PIL is dismissed on the ground of alternative remedy and that PIL is not maintainable in service matter, he may be permitted to approach the appropriate forum.

[4] The Hon'ble Supreme Court in **Girjesh Shrivastava (supra)** held in para Nos.14 to 19 as under:-

“14. However, the main argument by the appellants against entertaining WP (C) No. 1520/2001 and WP (C) No. 63/2002 is on the ground that a PIL in a service matter is not maintainable. This Court is of the opinion that there is considerable merit in that contention. It is common ground that dispute in this case is over selection and appointment which is a service matter.

15. In [Duryodhan Sahu \(Dr.\) v. Jitendra Kumar Mishra](#) (1998) 7 SCC 273, a three judge Bench of this Court held a PIL is not maintainable in service matters. This Court, speaking through Srinivasan, J. explained the purpose of administrative tribunals created under [Article 323-A](#) in the backdrop of extraordinary jurisdiction of the High Courts under Articles 226 and 227. This Court held: (SCC p.281, para 18)

"18.If public interest litigations at the instance of strangers are allowed to be entertained by the (Administrative) Tribunal, the very object of speedy disposal of service matters would get defeated"

Same reasoning applies here as a public interest litigation has been filed when the entire dispute relates to selection and appointment.

16. In [B. Srinivasa Reddy v. Karnataka Urban Water Supply & Drainage Board Employees' Association](#); (2006) 11 SCC 731 (2), this Court held that in service matters only the non-appointees can assail the legality of the appointment procedure (See SCC p. 755, para 51 of the report).

17. This view was very strongly expressed by this Court in [Dattaraj Nathuji Thaware v. State of Maharashtra](#); (2005) 1 SCC 590, by pointing out that despite the decision in Duryodhan Sahu (supra), PILs in service matters “continue unabated”. This Court opined that High Courts should “throw out” such petitions in view of the decision in Duryodhan Sahu (supra) (SCC, p. 596 Para 16).

18. Same principles have been reiterated in [Ashok Kumar Pandey v. State of W.B.](#) in (2004) 3 SCC 349, at page 358 (Para 16).

19. In a recent decision of this Court delivered on 30-8-2010 in Hari Bansh Lal v. Sahodar Prasad Mahto, (2010) 9 SCC 655, it has been held that except in a case for a writ of “quo warranto”, PIL in a service matter is not maintainable (see SCC para 15.)”

[5] The prayers in this PIL is related to appointment of the respondent in a particular post. In such factual situation, the PIL is not maintainable. The same is dismissed as not maintainable with liberty to the petitioner to approach the appropriate forum.

[6] The PIL stands disposed of as above.

JUDGE

CHIEF JUSTICE

FR/NFR

Opendro(rt)

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