

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 523 of 2019

Md. Abul Kalam

.... *Petitioner/s*

- Versus -

State of Manipur & 2 Ors.

.... *Respondent/s*

**BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

28.09.2020

Heard Mr. Kh. Tarunkumar, learned counsel appearing for the petitioner and Mr. Th. Sukumar, learned GA appearing for the respondents.

The present writ petition has been filed assailing the order dated 25.06.2019 issued by the Commissioner (Art & Culture), Government of Manipur effecting the transfer and posting of the petitioner who was working as Deputy Director, Manipur State Achieves as Deputy Director(Admin), Directorate of Art & Culture, Manipur. The main ground taken by the petitioner for assailing the said transfer order is that the post of Deputy Director (Admin), Directorate of Arts & Culture Manipur is a non-existence post inasmuch as the tenure of the said post has not been extended and accordingly, the petitioner has been transferred and posted against the post which is no longer in existence.

Despite several opportunities given to the State Government for filing counter affidavit, the respondents have not filed any counter affidavit till date.

When the matter is taken up today, Mr. Th. Sukumar, learned GA fairly submits that as per instruction received by him from the concerned official of the State Government, the allegation raised by the petitioner is found to be correct and the post of Deputy Director (Admin), Directorate of Art & Culture Manipur is no longer in existence.

In view of the above, this Court is of the view that the petitioner has been transferred and posted to a non-existence post which is not permissible. Accordingly, the impugned order dated 25.06.2019 is quashed and set aside.

With the above directions, the present writ petition is allowed.

The parties are to bear their own costs.

JUDGE

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