

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

W.P.(C) No.955 of 2016

(Through Video conference)

All Tribal Disables' Union, Manipur (ATDUM) bearing Registration No.259/M/SR of 2007 having its registered address at Nagaram Block-D, P.O. Lamlong, P.S. Lamphel, Imphal East District, Manipur represented by its President MomoTantanga aged about 30 years old, S/o (Late) Ksh. Angtha.

.... *Petitioner/s*

- Versus -

The State of Manipur represented by its Commissioner, (GAD), Govt. of Manipur

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE MV MURALIDARAN

25.11.2020

Today when the matter is taken up, I heard Mr. N. Jotendro, Ld. senior counsel for the petitioner and Mrs. Ch. Sundari, Ld. GA for the respondent.

[2] The petitioner has approached this Court and filed the present writ petition seeking the prayer as follows:-

"In the aforesaid facts and circumstances, it is respectfully prayed that your Lordships be pleased to;

- i) *Issue rule and call for records;*
- ii) *Issue a writ in the nature of certiorari or mandamus or any other appropriate writ in the nature of certiorari or*

mandamus or any other appropriate writ of the like nature for quashing and setting aside the impugned notification bearing No. 17/2/2014-GAD: dated 22/6/2016 for appointment of 92 (ninety two) Office Assistant and 50 (fifty) Grade- IV and notification dated 18/11/2016 declaring results of the viva voice/interview of the above mentioned posts particularly Group-D posts for excess appointment of 22 (twenty two) posts over and above the advertised posts of 50 (fifty) Grade-IV which is violating the Apex Court's order passed in different cases and violating of Rule 38 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full participation) Rules, 1996, Rule 4 of The Employment Exchange (Compulsory Notification of Vacancies) Rules, 1960 and Office Memorandum dated 11/11/2009 issued by the Commissioner (DP), Govt. of Manipur for reservation of 3% quota by 10 years age relaxation for the Physically Handicapped Persons (now Persons with Disabilities) and till the aforesaid notification may kindly be set aside and re-advertise with the recruitment Acts/Rules for Persons With Disabilities (Equal Opportunities, Protection Rights and Full Participation) Act, 1995 and Rules, 1996 and the result of the viva voice/interview dated 18/11/2016 may be stayed and 3% quota of the posts may be kept reserved for PWD by deducting from the total number of the posts to be appointed and any further proceedings for given appointment such as offer for appointment to the posts may not be performed without the leave of the Hon'ble Court.

- iii) in the interim, direct the Respondents to stay the result of the viva voice/interview dated 18/11/2016 and 3% quota of the posts of appointment of 92(ninety two) posts of Office Assistant and 50 (fifty) posts of Grade-IV may be kept*

reserved for PWD by deducting from the total number of the posts to be appointed and any further proceedings for given appointment such as offer for appointment to the posts may not be done/performed without the leave of the Hon'ble Court;

iv) Pass any further order/orders, direction/directions which this Hon'ble Court may deem fit and proper to secure the ends of justice."

[3] Though in the writ petition, the petitioner is seeking a larger prayer but the Ld. senior counsel who appears for the petitioner is confined his prayer only in respect of disposal with direction without considering the merits and demerits of the petitioner's case and suitable direction may be issued to the respondent to consider the representation sent by the petitioner on 30.08.2016 (Annexure A-7).

[4] Mrs. Ch. Sundari, Ld. GA also agreed the same and represented before this Court that without going into the merits and demerits of the petitioner's case, the respondents are ready to consider the petitioner's representation dated 30.08.2016 (Annexure A-7) within a period of 8(eight) weeks.

[5] Therefore, considering both sides' arguments and the limited prayer sought by the writ petitioner, without considering the merits and demerits of the petitioner's case, I am inclined to pass the following orders.

[6] In the result,

- a) *the writ petition is disposed of;*
- b) *the respondent is hereby directed to consider the petitioner's representation dated 03.8.2016 and to pass appropriate speaking order by giving fair opportunity to the petitioner;*
- c) *the said exercise shall be done within a period of 8(eight) weeks from the date of receipt of this order.*

[6] The copy of this order be issued to both the parties through their e-mail/whatsapp.

JUDGE

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