

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

W.P.(C) No. 94 of 2020

Dr. Irom Ablu Meitei, aged about 43 years, S/o. I. Haimo, a resident of Khongman Zone – V (E), P.O. Singjamei & P.S. Irilbung, District Imphal East, Manipur (a candidate for appointment to the post of Associate Professor/Physics in Manipur University vide Advertisement No. 3/19 dated 27-05-2019).

... Petitioner

-Versus -

1. Manipur University through the Registrar, Manipur University, Office at Canchipur, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur-795003.
2. The Union of India represented by the Secretary, Department of Higher Education, Ministry of Human Resource Development (MHRD), Government of India, Shastri Bhawan, New Delhi – 110015.
3. University Grant Commission (UGC) represented by its Secretary, UGC, Bahadur Shah Zafar Marg, New Delhi-11002.
4. The Chairman of the Screening / Selection Committee for appointment to the post of Associate Professor (2-UR) in Physics vide Advertisement No. 3/19 dated 27.05.2019), Manipur University, Office at Canchipur, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur-795003.
5. The Director, Internal Quality Assurance Cell (IQAC), Manipur University, Office at Canchipur, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur – 795003.

... OFFICIAL RESPONDENTS

6. Shri B. Indrajit Sharma, C/o. the Registrar, Manipur University, Office at Canchipur, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur – 795003.
7. Smt. Th. Gomti Devi, C/o. the Registrar, Manipur University, Office at Canchipur, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur – 795003.
8. Smt. K. Nomita Devi, C/o. the Registrar, Manipur University, Office at Canchipur, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur – 795003.

9. Shri Ng. K. Francis, C/o. the Registrar, Manipur University, Office at Canchipur, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur – 795003.
10. Shri Dipankar Bhattacharyya, C/o. the Registrar, Manipur University, Office at Canchipur, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur – 795003.
11. Shri L. Robindro Singh, C/o. the Registrar, Manipur University, Office at Canchipur, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur – 795003.
12. Shri Kaushik Ghosh, C/o. the Registrar, Manipur University, Office at Canchipur, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur – 795003.
13. Smt. Anoubam Senorita Devi, C/o. the Registrar, Manipur University, Office at Canchipur, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur – 795003.
14. H. Kumarjit Singh, C/o. the Registrar, Manipur University, Office at Canchipur, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur – 795003.

.....PRIVATE RESPONDENTS

B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the Petitioner	: Mr. M. Hemchandra, Sr. Advocate.
For the respondents	: Mr. BP. Sahu, Sr. Adv, Mr. S. Samarjeet, Ld. CGSC, Mr. N. Ibotombi, Sr. Adv. & Mr. Kh. Samarjit, Adv.
Date of Hearing	: 29.01.2021.
Date of Order	: 26.02.2021

O R D E R
(CAV)

[1] Heard Mr. M. Hemchandra, learned senior Advocate appearing for the petitioner, Mr. BP. Sahu, learned senior Advocate appearing for the respondents No. 1, 4 & 5, Mr. S. Samarjeet, learned CGSC appearing for

the respondent No. 2, Mr. N. Ibotombi, learned senior counsel appearing for the respondent No. 7 and Mr. Kh. Samarjit, learned Advocate appearing for the respondent No. 13.

[2] The brief facts of the present case are that an Advertisement No. 3/2019 dated 27.05.2019 was issued by the Manipur University inviting applications from Indian National for filling up various posts including the 3(three) posts of Associate Professor (Physics) in the Manipur University. In the said Advertisement, it is notified that candidates who have applied earlier against the Advertisement No. 2/2013 dated 30.11.2013, Advertisement No. 3/2014 dated 31.10.2014, Advertisement No. 1/2015 dated 18.01.2016, Advertisement No.2 dated 15.03.2016, Advertisement No. 3 dated 21.07.2016 and Advertisement No. 4/17 dated 07.06.2017 have to update their bio-data in the new application format without fee. Pursuant to the said Advertisement, the petitioner submitted his application on 05.07.2019 applying against the (2-UR) posts of Associate Professor (Physics).

[3] Subsequent to the issuance of the aforesaid Advertisement, the Registrar (i/c) of the Manipur University wrote a letter dated 19.09.2019 informing all Deans of Schools of Studies, Manipur University and all Head of Departments, Manipur University that applications for faculty position received in response to Advertisement No. 2/2013 dated 30.11.2013, Advertisement No. 3/2014 dated 31.10.2014, Advertisement No. 1/15

dated 18.01.2016, Advertisement No. 2 dated 15.03.2016, Advertisement No. 3 dated 21.07.2016 and Advertisement No. 4/17 dated 07.06.2017 shall be considered for screening irrespective of whether the candidates has updated his/her bio-data in the new application format or not as per the Advertisement No. 3/19 dated 27.05.2019.

According to the learned senior counsel for the petitioner, the aforesaid letter dated 19.09.2019 of the Registrar (i/c) of Manipur University amounts to changing the conditions prescribed in the latest Advertisement No. 3/19 dated 27.05.2019, which is not permissible in the eye of law and accordingly, the said letter dated 19.09.2019 of the Registrar (i/c) of Manipur University is challenged in the present writ petition.

[4] By an Office Order No. 536 dated 07.08.2019 issued by the Registrar (i/c) of the Manipur University, the Committee consisting of 7(seven) members was constituted for screening the applications submitted by the candidates pursuant to the Advertisement No. 3/19 dated 27.05.2019 for faculty position of the Department of Physics.

After processing and scrutiny of the applications submitted by the candidates by the concerned Committees constituted for the purpose, a list of 9(Nine) candidates short-listed as eligible candidates for personal interview for appointment to the post of (2-UR) posts of Associate

Professor in the Department of Physics was notified by the Registrar of Manipur University on 22.01.2020.

[5] As the name of the petitioner was not included among the list of 9(Nine) eligible candidates short-listed for personal interview, the petitioner submitted an application dated 25.01.2020 to the Chairman, University Recruitment Screening Grievances Redressal Cell (URSGRC), Manipur University stating his grievances against the non-inclusion of his name in the short-listed candidates and also requesting for including his name among the eligible candidates on the ground that he fulfilled all the requisite qualification for his candidature for the advertised post of Associate Professor (Physics) as per the UGC regulation – 2018.

The said application submitted by the petitioner was duly considered by the authorities and in the Para. I of the 12th report of the University Recruitment Screening Grievances Redressal Cell (URSGRC) of Manipur University, it is stated that on checking records, it was found that the API score of the petitioner comes from only two categories out of the six prescribed of which it should come at least from three categories and hence, there was no reason for change in the recommendation of the Screening Committee.

[6] It is the case of the petitioner that in the proceedings of the Screening Committee for the (2-UR) posts of Associate Professor (Physics), the name of the petitioner was initially included as one of the

eligible candidates short-listed for appearing in interview before the Screening Committee. However, on the basis of a report dated 21.01.2020 submitted by the Director, Internal Quality Assurance Cell (IQAC), in connection with the API score of the petitioner, the name of the petitioner had been rejected from the recommendation made by the Screening Committee.

[7] Having been aggrieved by the none inclusion of his name as one of the eligible candidates for interview for appointment to (2-UR) posts of Associate Professor (Physics) in the Manipur University, the petitioner filed the present writ petition praying for issuing a writ of certiorari for quashing and setting aside the letter dated 19.09.2019, list of short-listed candidates dated 21.01.2020, the 12th report of URSGRC meeting dated 28.01.2020, the proceedings of the Screening Committee for the (2-UR) posts of Associate Professor (Physics) and the report dated 21.01.2020 of the Director, Internal Quality Assurance Cell (IQAC), Manipur University and also for issuing a writ of mandamus directing the respondents to include the name of the petitioner among the eligible short-listed candidates and to allow the petitioner to participate in the personal interview for the said (2-UR) posts of Associate Professor (Physics) in the Manipur University.

[8] At the time of hearing of the writ petition, Mr. M. Hemchandra, learned senior counsel appearing for the petitioner raised several grounds in challenging the said impugned orders and strenuously submitted that

candidature of the petitioner had been rejected by the authorities arbitrarily, illegally and without any application of mind and that the petitioner is eligible and qualified for his candidature against the Advertisement posts as per the relevant UGC norms.

[9] Mr. BP. Sahu, learned senior counsel appearing of the respondents No. 1, 4 & 5 submitted that an interim order dated 06.02.2020 was passed by this Court in the present writ petition directing to allow the petitioner to appear in the interview for the (2-UR) posts of Associate Professor in the Department of Physics, which was scheduled to be held on 08.02.2020 and further directed the Manipur University not to declare the result of the said interview without leave of this Court.

The learned senior counsel further submitted that in compliance with the aforesaid directions given by this Court, the petitioner was called for interview and he appeared in the interview held on 08.02.2020, however, as directed by this Court, the result of the said interview has not been declared till date. The learned senior counsel further submitted that since the petitioner have been allowed to appear in the said interview, further pursuing of the present writ petition by the petitioner is meaningless and the present writ petition may be closed as infructuous. It is also prayed by the learned senior counsel that the Manipur University may be allowed to declare the result of the said interview in which the present petitioner was allowed to participate.

[10] Mr. N. Ibotombi, learned senior counsel appearing for the respondent No. 7 and Mr. Kh. Samarjit, learned counsel appearing for the respondent No. 13 also endorsed the submissions made by Mr. BP. Sahu. It is further submitted by Mr. N. Ibotombi, learned Senior Advocate that the allegation made by the petitioner against the respondent No. 7 that the respondent No. 7 is not a candidate who responded to the latest Advertisement dated 27.05.2019 is totally wrong and without any basis inasmuch as respondent No. 7 who applied for the post of Associate Professor in Physics in the Manipur University on earlier occasions, updated her bio-data in the new application format as prescribed in the latest Advertisement dated 27.05.2019 and the said updated bio-data in the new application format in respect of respondent No. 7 was submitted to the Registrar, Manipur University under a letter dated 22.06.2019. The said updated bio-data of the respondent No. 7 in the new application format dated 22.06.2019 is enclosed as Annexure G/1 to the counter affidavit filed on behalf of the respondent No. 7.

[11] After hearing the counsel appearing for the parties and after going through the records of the present case, I am of the considered view that main relief sought for by the petitioner in the present writ petition is for allowing him to participate in the interview schedule to be held on 08.02.2020 for the (2-UR) posts of Associate Professor (Physics) in the Manipur University. As the petitioner had been allowed to participate in the

said interview in compliance with the directions given by this Court on 06.02.2020 in the present writ petition, this Court is of the considered view that the main relief sought for by the petitioner has been granted and it will be a futile exercise in continuing with the proceedings of the present case. In view of the above, the present writ petition is disposed of with the directions that the Manipur University is at liberty to declare the result of the interview held on 08.02.2020 for the (2-UR) posts of Associate Professor (Physics) in the Manipur University.

Needless to mention here that it is open to the petitioner to approach this Court again if he is aggrieved by the result of the said interview which was held on 08.02.2020.

[12] With the aforesaid directions and observations, the present writ petition is disposed of.

Parties are to bear their own costs.

JUDGE

FR/NFR

Lhaineichong