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

WP(C) No. 1075 of 2022

Ningsem Kashak

... Petitioner

Vs.

State of Manipur & ors.

... Respondents

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

O R D E R

30-04-2025

[1] Heard Mr. D. Julius Riamei, learned counsel appearing for the petitioner and Mr. Th. Vashum, learned GA appearing for the respondents.

[2] The case of the petitioner is that the petitioner is the eldest son of late K.S. Siraphui, who expired on 15-08-2003 while he was serving as a Primary Teacher in the Education (S), Department, Government of Manipur. Upon expiry of the said Government employee, the petitioner's mother submitted an application dated 29-08-2003 to the Zonal Education Officer, Ukhrul, Manipur, with a request for appointing the present petitioner against any suitable post commensurate with her educational qualification under the Die-in-Harness Scheme in the Education (S), Department, Government of Manipur. The said application was received by the authorities on 07-09-2007.

[3] In the counter affidavit filed by the respondents, it has been, inter alia, stated that the Die-in-Harness Scheme was abolished w.e.f. 15-06-2002 and the said scheme was restored w.e.f. 16-12-2006 by an order dated 16-12-2006 issued by the Government. Subsequently, another Office Memorandum dated 06-06-2007 was issued with certain clarification in connection with the appointment under the

Die-in-Harness Scheme. Some of the clarifications stated in the said Office Memorandum are, inter alia, that all applications submitted in between 15-06-2002 and 16-12-2006 shall be treated as invalid applications and that the applicants whose applications have been treated invalid should submit fresh applications to the concerned Department within two months from the date of issue of the said Office Memorandum.

In view of the said clarification enumerated in the said Office Memorandum dated 06-06-2007, the application submitted on behalf of the petitioner for her appointment under the Die-in-Harness Scheme was treated as invalid and the authorities did not consider the same on the said ground.

[4] Mr. D. Julius Riamei, learned counsel appearing for the petitioner submitted that during the pendency of this writ petition, the State Government issued another Office Memorandum dated 23-03-2004 in connection with the appointment under the Die-in-Harness Scheme and the said Office Memorandum was published in the Manipur Gazette on 23-05-2024. Some of the conditions given in the said Office Memorandum are as under:-

“4. In consideration of these circumstances, and in the interest of fairness and justice, the State Government has decided to give one opportunity to such persons for enabling him/ her to submit fresh applications for appointment under the scheme, by way of relaxation of para No. 1(ii) of OM No. 20/15/2002-DIH/DP dated 6th June, 2007, subject to the following conditions:

4.1 Submission of fresh applications for appointment to the concerned Department will be permissible within a period of 2(two) months from the date of publication of this OM in the official gazette.

4.4. Such relaxations shall be applicable only in connection with such government employees who had died in harness during the period between 15-06-2002 to 16-12-2006.

4.6. The seniority position of an applicant under this OM, shall be fixed by the concerned Department based on the date of expiry/ death of the deceased government employee.”

The learned counsel appearing for the petitioner further submitted that pursuant to the said Office Memorandum and the conditions mentioned therein, the petitioner submitted an application dated 22-07-2004 to the Zonal Education Officer, Ukhrul, Manipur and another application dated 22-07-2024 to the Director, Education (S), Government of Manipur, with a request for considering her case for appointment under the Die-in-Harness Scheme against any suitable post commensurate with her educational qualification and that the said applications are still pending before the competent authorities.

[5] The learned counsel appearing for the petitioner, lastly, submitted that the present writ petition can be disposed of by directing the respondents to consider the case of the petitioner for her appointment under the Die-in-Harness Scheme strictly in terms of the new Office Memorandum dated 23-05-2024 for her appointment against any suitable post under the Die-in-Harness Scheme within a stipulated period.

[6] Mr. Th. Vashum, learned GA appearing for the respondents fairly submitted that in view of the conditions contained in the Office Memorandum dated 23-05-2024, the petitioner's case deserves to be considered for her appointment under the Die-in-Harness Scheme strictly in terms of the said Office Memorandum as the petitioner has submitted her application within the time prescribed under the said Office Memorandum. The learned GA further submitted that he has no objection in disposing of the present writ petition as prayed for by the learned counsel appearing for the petitioner.

[7] Taking into consideration the submissions advanced by the learned counsel appearing for the parties and on perusal of the record, this court is of the considered view that interests of justice will be served by issuing the following directions:-

- (i) The respondents, more particularly the Commissioner (Education), Government of Manipur and the Director, Education (S), Government of Manipur, are hereby directed to consider the case of the petitioner for her appointment under the Die-in-Harness Scheme against any suitable post commensurate with her educational qualification strictly in terms of the applicable scheme for her appointment under the Die-in-Harness Scheme, more particularly the Office Memorandum dated 23-05-2024 as early as possible; and
- (ii) It is made clear that the whole process should be completed by issuing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

With the aforesaid directions, the present writ petition is disposed of.

JUDGE

Devananda