

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

[1] MC (WP(C)) No.37 of 2024: [Ref: WP(C) No. 793 of 2023]

1. Shri Amit Sagolsem, a resident of Wangoi Thounaojam Leikai, Mayai Lambi, PO & PS Wangoi, District, Imphal West, Manipur 795009.
2. Shri Yumlembam Sanathoi, a resident of Keishamthong Maning Longjam Leikai, PO & PS Imphal, District Imphal West, Manipur 795001.
3. David Laitonjam, a resident of Uripok Khoisnam Leikai, PO & PS, Imphal, District- Imphal West, Manipur 795001

... Applicants/Respondents No.7, 9 & 13.

-Versus-

1. Shri Chingtham Premkumar, aged about 33 years, s/o Ch.Thoubal Singh, a resident of Hiyangthang Mamang Leikai, PO & PS Wangoi, Imphal West District, Manipur 795009.
2. Mr.Dihemlung Golmei, aged about 29 years, s/o Kachinglung, a resident of Heikrujam mamang Leikai PO & PS Nambol, Imphal West District, Manipur 795138.
3. Ms. Begum Khaleda Bogie, aged about 30 years, D/o Mohd Yakun Ali Bogie, resident of Lilong Tamya Sumang PO & PS Lilong, Thoubal, Manipur 795130.
4. Shri Alberta Potsangbam, aged about 31 years, s/o P.Rajendra Singh, a resident of Nongmeibung Chakpram Leikai, PO Imphal, PS Porompat, Imphal East District, Manipur 795001.
5. Shri K.Premchandra, aged about 22 years, s/o K.Deva Singh, resident of Thinkanphai, Churachandpur, PO & PS Churachandpur, Churachandpur District, Manipur 795128.
6. Shri Thokchom Manithoiba Singh, aged about 25 years, s/o Th.Ibomcha Singh, resident of Lamjao Makha Leikai, PO Kakching, PS Waikhong, Kakching District, Manipur 795103.

.... Respondents/Petitioners

7. The State of Manipur, represented through the Chief Secretary, Government of Manipur, Manipur Secretariat, Babupara PO & PS Imphal, Imphal West District, Manipur 795001.
8. The Chief Secretary/ Commissioner/ Secretary, Department of Personnel (DP), Government of Manipur, Manipur Secretariat, Babupara, PO & PS Imphal, Imphal West District, Manipur 795001.
9. The Commissioner/ Secretary, Land Resources (formerly Revenue) Department, Government of Manipur, Manipur Secretariat, Babupara, PO & PS Imphal, Imphal West District, Manipur 795001.
10. The Joint Secretary Department of Personnel (DP), Government of Manipur, Old Secretariat, Babupara, PO & PS Imphal, Imphal West District, Manipur 795001.
11. The Deputy Secretary, (Land Resources) Department, Government of Manipur, Old Secretariat, Babupara, PO & PS Imphal, Imphal West District, Manipur 795001.
12. The Manipur Public Service Commission, represented through its Secretary, North AOC, PO & PS Imphal, Imphal West District, Manipur 795001.

... Official Respondents

13. Shri Chanam Rakesh Meetei, a resident of Ngairangbam Awang Maning Leikai, PO Ngairangbam, PS Patsoi, Imphal West, District, Manipur 795113.
14. Shri Rajkumar Roshan Singh, a resident of Sagolband Bijoygovinda Leikai, PO & PS Imphal, Imphal West District, Manipur 795001.
15. Shri Irom Nirmal Singh, a resident of Kairang Maning Leikai, PO Lamlong, PS Heingang, Imphal East District, Manipur 795002.
16. Thangjam Harideva Singh, a resident of Khurai Thangjam Leikai, Changangbam Leirak, PO Lamlong, PS Porompat, Imphal East District, Manipur 795010.
17. Charan Kumar Asem, a resident of Chingamakha Ningthoujam Leikai, PO & PS- Singjamei, Imphal West District, Manipur 795008.
18. Hijam George, a resident of Uripok Polem Leikai, PO Imphal, PS Lamphel, Imphal West District, Manipur 795001.

19. Sapam Nirva Devi, a resident of Khurai Chingangbam Leikai, Lamlong Bazar, Ayangpalli Road PO & PS Porompat, Imphal East District, Manipur, 795010
20. Thangjam Sangita Devi, a resident of Chingmeirong West, Near Pukhri Achouba, PO Imphal, PS Lamphel, Imphal East, District, Manipur 795001.
21. Kh.Robindro Singh, a resident of Ward No.5, Kha Leikai, Near Public School, Ningthoukhong, PO & PS Bishnupur, Bishnupur District, Manipur 795011.
22. Hijam Clington Luwang, a resident of Uripok Polem Leikai, PO Imphal PS- Lamphel, West District, Manipur 795001.
23. Poireinganba Khumancha, a resident of Wangoi Thounaojam Leikai, PO & PS Wangoi, Imphal West District, Manipur 795009.
24. Ranjit Maisnam, a resident of Khabam Chumbreithong East, PO Mantripukhri, PS Heingang, Imphal East District, Manipur 795002.
25. Ningombam Rabichandra Meitei, a resident of Langmeidong Maning Awang Leikai, PO Kakching, PS Waikhong, Kakching, District Manipur 795103.
26. Yengkhom Jiban Singh, a resident of Kakching Khullen Paji Leikai, PO, PS Kakching, Kakching District, Manipur 795103.
27. Toijam Heroda Devi, a resident of Kongba Laishram Leikai, Wangkhei Ayangpalli Road, PO & PS Porompat, Imphal East District, Manipur 795005.
28. Thongam Supreme Singh, a resident of Singjamei Wangma Mongkhang Lambi, PO & PS Singjamei, Imphal East District, Manipur 795008.
29. Thoidingjam Shambhunath, a resident of Singjamei Chinga Makha, Chanam Pukhri Mapal, PO & PS Singjamei, Imphal West District, Manipur 795008.
30. Khaidem Bangky Meitei, a resident of Khurai Konsam Leikai, Ipum Mapal, PO Lamlong, PS Porompat, Imphal East District, Manipur 795010.
31. Matouleibi Huiem, a resident of Kakching Ningthou Leikai, PO, PS Kakching, Kakching District, Manipur 795103.
32. Chandam Geetanjali Devi, a resident of Singjamei Thongam Leikai, Top Leirak, Lane-1, PO & PS Singjamei, Imphal West District, Manipur 795008.
33. Hungyo Yurreikan, a resident of Mailiang Village, Phungyar Sub-Division, PO PS, Ukhrul, Kamjong District, Manipur 795145.

34. W. Dearson, a resident of Chingmeirong Mamang Leikai, PO Imphal, PS Lamphel, Imphal East District, Manipur 795010
35. Soraisam Anuka, a resident of Kwakeithel Thiyam Leikai (Awang), Haorokchanbi Lampak Maning, PO & PS Imphal, Imphal West District, Manipur 795001.
36. Namgoumang Haokip, a resident of House No.7 Saikul Bazar, S.Salen Veng, PO & PS Saikul Bazar, S.Sanen Veng, PO & PS Saikul, Kangpokpi District, Manipur 795118.
37. Nongthombam padmeshwar Singh, a resident of Luwangsangbam Makha Leikai, PO Mantripukhri, PS Heingang, Imphal East District, Manipur 795002.
38. Victoria Huidrom, a resident of Haobam Marak Ngangom Leikai, PO & PS Imphal, Imphal West District, Manipur 795001.
39. T.Wilson Henminlun, a resident of Venglai, Simveng, House No.236, PO & PS Churachandpur Churachandpur District, Manipur 795128.
40. Micheal Fimlinsang Fimate, a resident of Thailane, Rengkai, PO & PS Churachandpur, Churachandpur District, Manipur 795128.
41. Promilata Monsang Wanglar, a resident of Liwa Sarei, Chandel, H.No.33, PO & PS Chandel, Chandel District, Manipur 795127.
42. Douthianmang Rex Lengen, a resident of Dumlian Village, Sangaikot Sub-Division, PO & PS Churachandpur, Churachandpur District, Manipur 795128
43. Satkhogin Kilong, a resident of Tuibong, Khopi Veng, PO & PS Churachandpur, Churachandpur District, Manipur 795128.
44. Md.Sheikh Tarif Hussain, a resident of Khurai Khomidok Umang Leikai, PO Pangei, PS Heingang, Imphal East District, Manipur 795114.
45. Thongkhohao Haokip, a resident of H-215A, Laizon Veng, Tuibong, PO & PS Churachandpur, Churachandpur District, Manipur 795128.
46. MK Celestina, a resident of Chingmeirong, Sangakpham Bazar, PO Lamlong PS Lamphel, Imphal East District, Manipur 795010.
47. Panii Ngainii, a resident of Purul Akutpa Village, Purul Sub-Division, PO & PS Senapati, Senapati District, Manipur 795106.
48. L.Thanggoulien Khongsai, a resident of M.Songgel Village, BPO-M Songgel, PO, PS Churachandpur, Churachandpur District, Manipur 795128.

49. Riamei Jangmei, a resident of Zeihkuluang (Tokpa) Village, PO & PS Loktak Project, Churachandpur District, Manipur 795124.

50. Orient Thansing RS, a resident of House No.47, Kongyeetang, Phalee Village, LM Block, PO & PS Somdal, Ukhrul District, Manipur 795144.

51. Hatzaw Suanlianpau, a resident of Thangho Street, New Lamka (G), PO & PS Churachandpur, Churachandpur District, Manipur 795128.

52. Zaojiangam Panmei, a resident of House No.4, Namguilong, New Lambulane, 15 Street, PO & PS Imphal, Imphal East District, Manipur 795005.

... Proforma Respondents.

IN

WP(C) No.793 of 2023

1. Shri Chingtham Premkumar, aged about 33 years, S/o Ch. Thoubal Singh, a resident of Hiyangthang Mamang Leikai, P.O. & P.S. Wangoi, Imphal West District, Manipur - 795009

2. Mr. Dihemlung Golmei, aged about 29 years, S/o Kachinglung, a resident of Heikhrujam Mamang Leikai, P.O. & P.S. Nambol, Imphal West District, Manipur-795138

3. Ms. Begum Khaleda Bogie, aged about 30 years, D/o Mohd Yakub Ali Bogie, resident of Lilong Tamyang Sumang, P.O. & P.S. Lilong, Thoubal, Manipur - 795130

4. Shri Alberta Potsangbam, aged about 31 years, S/o P. Rajendra Singh, resident of Nongmeibung Chakpram Leikai, P.O. Imphal, P.S. Porompat, Imphal East District, Manipur-795001

5. Shri K. Premchandra, aged about 22 years, S/o K. Deva Singh, resident of Thingkanphai, Churachandpur, P.O. & P.S. Churachandpur, Churachandpur District, Manipur-795128

6. Shri Thokchom Manithoiba Singh, aged about 25 years, S/o Th. Ibomcha Singh, resident of Lamjao Makha Leikai, P.O. Kakching, P.S. Waikhong, Kakching District, Manipur-795103.

... Petitioners

-Versus-

1. The State of Manipur, represented through the Chief Secretary. Government of Manipur, Manipur Secretariat, Babupara, PO & PS. Inphat, Imphal West District. Manipur-790001
2. The Chief Secretary Commissioner/ Secretary, Department of Personnel (DP) Government of Manipur, Manipur Secretariat, Babupara, PO & PS Imphal Imphal West District Manipur 795001.
3. The Commissioner/Secretary, Land Resources (formerly Revenue Department Government of Manipur, Manipur Secretariat. Babupara, PO & PS Imphal, Imphal West District Manipur-795001
4. The Joint Secretary, Department of Personnel (DP) Government of Manipur, Old Secretariat, Babupara, PO & PS Imphal, Imphal West District, Manipur-795001
5. The Deputy Secretary, Land Resources (formerly Revenue) Department, Government of Manipur. Old Secretariat Babupara PO & PS Imphal, Imphal West District, Manipur-795001
6. The Manipur Public Service Commission represented through its Secretary, North AOC PO&PS. Imphal Imphal West District Manipur-795001

..... Official Respondents

7. Amit Segolsem, a resident of Wangoi Thounaojam Leikai, Mayai Lambi, PO & PS Wangoi, Imphal West District, Manipur-795009.
8. Chanam Rakesh Meetei, a resident of Ngairangbam Awang Maning Leikai, P.O. Ngairangbam, P.S. Patsoi, Imphal West District, Manipur-795113
9. Yumlembam Sanathoi, a resident of Keishamthong Maning Longjam Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur -795001
10. Rajkumar Roshan Singh, a resident of Sagolband Bijoygovinda Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur - 795001
11. Irom Nirmal Singh, a resident of Kairang Maning Leikai, P.O. Lamlong, P.S. Heingang, Imphal East District, Manipur - 795002
12. Thangjam Harideva Singh, a resident of Khurai Thangjam Leikai, Chingaangbam Leirak, P.O. Lamlong, P.S. Porompat, Imphal East District, Manipur - 795010
13. David Laitonjam, a resident of Uripok Khoisnam Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur - 795001

14. Charan Kumar Asem, a resident of Chingamakha Ningthoujam Leikai, P.O. & P.S. Singjamei, Imphal West District, Manipur 795008
15. Hijam George, a resident of Uripok Polem Leikai, P.O. Imphal, P.S. Lamphel Imphal West District, Manipur - 795001
16. Sapam Nirva Devi, a resident of Khurai Chingangbam Leikal, Lamlong Bazar, Ayangpalli Road, P.O. & P.S. Porompat, Imphal East District, Manipur – 795010.
17. Thangjam Sangita Devi, a resident of Chingmeirong West, near Pukhri Achouba, P.O. Imphal, P.S. Lamphel, Imphal East District, Manipur-795001
18. Kh. Robindro Singh, a resident of Ward No. 5. Kha Leikai near Public School, Ningthoukhong, P.O. & P.S. Bishnupur, Bishnupur District, Manipur - 795011
19. Hijam Clington Luwang, a resident of Uripok Polem Leikai, P.O. Imphal, P.S. Lamphel, Imphal West District, Manipur - 795001
20. O Poireingamba Khumancha, a resident of Wangoi Thounaojam Leikai, P.O. & P.S. Wangoi, Imphal West District, Manipur - 795009
21. Ranjit Maisnam, a resident of Khabam Chumbreithong East, P.O. Mantripukhri, P.S. Heingang, Imphal East District, Manipur 795002
22. Ningombam Rabichandra Meitei, a resident of Langmeidong Maning Awang Leikai, P.O. Kakching, P.S. Waikhong, Kakching District, Manipur-795103
23. Yengkhom Jiban Singh, a resident of Kakching Khullen Paji Leikal. P.O. & P.S. Kakching, Kakching District, Manipur-795103
24. Toijam Heroda Devi, a resident of Kongba Laishram Leikai, Wangkhei Ayangpalli Road, PO. & P.S. Porompat, Imphal East District, Manipur-795005
25. Thongam Supreme Singh, a resident of Singjamei Wangma Mongkhang Lambi, PO & PS Singjamei, Imphal East District Manipur-795008.
26. Thoidingjam Shambhunath, a resident of Singjamei Chinga Makha, Chanam Pukhri Mapal, P.O. & P.S Singjamei, Imphal West District, Manipur-795008
27. Khaidem Bangky Meitei, a resident of Khurai Konsam Leikai, Ipum Mapal, P.O. Lamlong P.S. Porompat, Imphal East District, Manipur 795010
28. Matouleibi Huiem, a resident of Kakching Ningthou Leikai, P.O. & P.S. Kakching, Kakching District, Manipur - 795103

29. Chandam Geetanjali Devi, a resident of Singjamei Thongam Leikai, Top Leirak, Lane 1, P.O. & P.S Singjamei, Imphal West District, Manipur-795001
30. Hungyo Yurreikan, a resident of Mailiang Village, Phungyar Sub-Division, P.O. & P.S. Urkhul, Kamjong District, Manipur - 795145
31. W Dearson, a resident of Chingmeirong Mamang Leikai, P.O. Imphal, P.S. Lamphel, Imphal East District, Manipur - 795010
32. Soraisam Anuka, a resident Kwakeithel Thiyam Leikai (Awang). Haorakchanbi Lampak Maning, P.O. & P.S. Imphal, Imphal West District, Manipur - 795001
33. Ngamgoumang Haokip, a resident of House No. 7, Saikul Bazar, S. Salen Veng, P.O. & P.S. Saikul, Kangpokpi District, Manipur 795118
34. Nongthombam Padameshwar Singh, a resident of Luwangsangbam Makha Leikai, PO. Mantripukhri, P.S. Heingang. Imphal East District, Manipur – 795002.
35. Victoria Huidrom, a resident of Haobam Marak Ngangom Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur-795001
36. T Wilson Henminlun, a resident of Venglai, Simveng, House No. 236, P.O. & P.S. Churachandpur, Churachandpur District, Manipur - 795128
37. Michael Fimlensang Fimate, a resident of Thailane, Rengkai, P.O & P.S. Churachandpur, Churachandpur District, Manipur - 795128
38. Promilata Monsang Wanglar, a resident of Liwa Sarei, Chandel House No. 33, PO & PS. Chandel, Chandel District, Manipur 795127
39. Douthianmang Rex Lengen, a resident of Dumlian Village, Sangaikot Sub-Division, P.O & Churachandpur District, Manipur-795128 P.S. Churachandpur,
40. Satkhogin Kilong, a resident of Tuibong Khopi Veng, P.O. & P.S. Churachandpur, Churachandpur District, Manipur-795128
41. Md. Sheikh Tarif Hussain, a resident of Khurai Khomidok Umang Leikai, P.O. Pangei, P.S. Heingang, Imphal East District, Manipur - 795114
42. Thongkhohao Haokip, a resident of H-215A, Laizon Veng, Tuibong, P.O. & P.S. Churachandpur, Churachandpur District, Manipur 795128
43. Mk Celestina, a resident of Chingmeirong Sangakpham Bazar, P.O. Lamlong, P.S. Lamphel, Imphal East District, Manipur-795010

44. Panii Ngaonii, a resident of Purul Akutpa Village, Purul Sub-Division, P.O. & P.S. Senapati, Senapati District, Manipur-795106.
45. L. Thanggoulien Khongsai, a resident of M Songgel Village, BPO -M. Songgel, P.O. & P.S. Churachandpur, Churachandpur District, Manipur-795128
46. Riamei Jangmei, a resident of Zeihkuluang (Tokpa) Village P.O. & P.S. Loktak Project, Churachandpur District, Manipur-795124
47. Orient Thansing RS, a resident of House No. 47 Kongyeetang, Phalee Village, LM Block, P.O. & P.S. Somdal, Urkhul District, Manipur-795144
48. Hatzaw Suanlianpau, a resident of Thangho Street, New Lamka -(G), P.O. & P.S. Churachandpur, Churachandpur District, Manipur -795128
49. Zaojiangam Pamei, a resident of House No. 4, Namguilong, New-Lambulane 1" Street, P.O. & P.S. Imphal, Imphal East District, Manipur-795005.

... **Private Respondents**

&

[2] MC (WP(C)) No.36 of 2024: [Ref: WP(C) No. 725 of 2023]

1. Shri Amit Sagolsem, a resident of Wangoi Thounaojam Leikai, Mayai Lambi, PO & PS Wangoi, District, Imphal West, Manipur 795009.
2. Shri Yumlembam Sanathoi, a resident of Keishamthong Maning Longjam Leikai, PO & PS Imphal, District Imphal West, Manipur 795001.
3. David Laitonjam, a resident of Uripok Khoisnam Leikai, PO & PS, Imphal, District- Imphal West, Manipur 795001

... **Applicants/Respondents No.7, 9 & 13.**

-Versus-

1. Shri Thounaojam Luwangamba, aged about 36 years, s/o Th.Inaobi Singh, a resident of Sagolband Ingudum Leirak, PO & PS Imphal, District, Imphal West Manipur 795001.

2. Shri Pukhrambam Herojit Singh, aged about 24 years, s/o P.Shanti Singh, a resident of Ningthoukhong Ward No.2, Loktak Project, PO & PS Loktak Project, Bishnupur District, Manipur 795126.
3. Longjam Suraj Singh, aged about 25 years, s/o Longjam Liken Singh, resident of Bishnupur Ward No.9, PO, PS & District Bishnupur, Manipur 795126.
4. Akoijam Premchand Singh, aged about 31 years, s/o Akoijam Kumar Singh, resident of Taobungkhok Awang Leikai, PO Langjing & PS Patsoi, District, Imphal West, Manipur 795001.
5. Leishangthem Kishan Singh, aged about 31 years, s/o L.Rajen Singh, R/o Langthabal Lep Makha Leikai, PO Manipur University, PS Singjamei, District Imphal West, Manipur 795003.
6. Bogimayum Umarjan, aged about 33 years, D/o B.M.Abdul Halim, resident of Yairipok Tuliha, PO Yairipok PS Andro, District Imphal East, Manipur 795149.

...Respondents

7. The State of Manipur through the Commissioner/ Secretary (Land Resources), Govt of Manipur, Secretariat South Block, PO & PS Imphal, District, Imphal West, Manipur 795001.
8. The Commissioner (DP) Govt of Manipur, Secretariat South Block, PO & PS Imphal District, Imphal West, Manipur 795001.
9. The Cabinet Secretary, Govt of Manipur Secretariat South Block, PO & PS Imphal District, Imphal West, Manipur 795001.
10. The Joint Secretary (DP) Govt of Manipur, Secretariat South Block, PO & PS Imphal District, Imphal West, Manipur 795001.
11. The Deputy Secretary, Secretariat, South Block PO & PS Imphal, District, Imphal West, Manipur 795001.
12. The Manipur Public Service Commission through Its Secretary, Imphal, North AOC, PO & PS Imphal District, Imphal West, Manipur 795001.

...Official Respondents

13. Shri Chanam Rakesh, resident of Ngairangbam Awang Maning Leikai, PO Langjing & PS Patsoi, Imphal West, Manipur 795113.
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15. Shri Irom Nirmal Singh, a resident of Kairang Maning Leikai, PO Mantripukri , PS Heingang, Imphal East District, Manipur 795002.
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35. Namgoumang Haokip, a resident of House No.7 Saikul Bazar, S.Salen Veng, PO & PS Saikul, Kangpokpi District, Manipur 795118.
36. T.Wilson Henminlun, a resident of Venglai, Simveng, House No.236, PO & PS Churachandpur Churachandpur District, Manipur 795128.
37. Micheal Fimliensang Fimate, a resident of Thailane, Rengkai, PO & PS Churachandpur, Churachandpur District, Manipur 795128.
38. Promilata Monsang Wanglar, a resident of Liwa Sarei, Chandel, H.No.33, PO & PS Chandel, Chandel District, Manipur 795127.
39. Douthianmang Rex Lengen, a resident of Dumlian Village, Sangaikot Sub-Division, PO & PS Churachandpur, Churachandpur District, Manipur 795128
40. Satkhogin Kilong, a resident of Tuibong, Khopi Veng, PO & PS Churachandpur, Churachandpur District, Manipur 795128.
41. Thongkhohao Haokip, a resident of H-215A, Laizon Veng, Tuibong, PO & PS Churachandpur, Churachandpur District, Manipur 795128.
42. MK Celestina, a resident of Chingmeirong, Sangakpham Bazar, PO Lamlong PS Lamphel, Imphal East District, Manipur 795010.
43. Panii Ngainii, a resident of Purul Akutpa Village, Purul Sub-Division, PO & PS Senapati, Senapati District, Manipur 795106.
44. L.Ghanggoulie Khongsai, a resident of M.Songgel Village, BPO-M Songgel, PO, PS Churachandpur, Churachandpur District, Manipur 795128.
45. Riamei Jangmei, a resident of Zeihkuluang (Tokpa) Village, PO & PS Loktak Project, Churachandpur District, Manipur 795124.

46. Orient Thansing RS, a resident of House No.47, Kongyeetang, Phalee Village, LM Block, PO & PS Somdal, Ukhrul District, Manipur 795144.

47. Hatzaw Suanlianpau, a resident of Thangho Street, New Lamka (G), PO & PS Churachandpur, Churachandpur District, Maniur 795128.

48. Zaojiangam Panmei, a resident of House No.4, Namguilong, New Lambulane, 15 Street, PO & PS Imphal, Imphal East District, Manipur 795005.

...Proforma Respondents

IN

WP(C) No.725 of 2023

1. Shri Thounaojam Luwangamba, aged about 36 years, s/o Th.Inaobi Singh, resident of Sagolband Ingudum Leirak, PO & PS Imphal, District, Imphal West, Manipur 795001.

2. Shri Pukhrambam Herojit Singh, aged about 24 Years, s/o P.Shanti Singh, resident of Ningthoukhong Ward No.2, Loktak Project, PO & PS Loktak Project, Bishnupur District, Manipur 795126.

3. Longjam Suraj Singh, aged about 25 years, s/o Longjam Liken Singh, resident of Bishnupur Ward No.9, PO, PS & District Bishnupur, Manipur 795126.

4. Akoijam Premchand Singh, aged about 31 years, S/o Akoijam Kumar Singh, resident of Taobungkhok Awang Leikai, PO Langjing & PS Patsoi, District, Imphal West, Manipur 795001.

5. Leishangthem Kishan Singh, aged about 31 years, s/o L.Rajen Singh, R/o Langthabal Lep Makha Leikai, PO Manipur University, PS Singjamei, District Imphal West Manipur, 795003.

6. Bogimayum Umarjan, aged about 33 years, D/o B.M.Abdul Halim resident of Yairipok Tulihal, PO Yairipok, PS Andro, District Imphal East, Manipur 795149.

...Petitioners

-Versus-

1. The State of Manipur through the Commissioner/ Secretary (Land Resources), Govt of Manipur, Secretariat South Block, PO & PS Imphal, District, Imphal West, Manipur 795001.

2. The Commissioner (DP), Govt of Manipur, Secretariat South Block, PO & PS Imphal District, Imphal West, Manipur 795001.
3. The Cabinet Secretary, Govt of Manipur Secretariat South Block, PO & PS Imphal, District, Imphal West, Manipur 795001.
4. The Joint Secretary (DP), Govt of Manipur, Secretariat South Block, PO & PS Imphal, District, Imphal West, Manipur 795001.
5. The Deputy Secretary (Land Resources), Govt of Manipur, Secretariat South Block, PO & PS Imphal, District, Imphal West, Manipur 795001.
6. The Manipur Public Service Commission through its Secretary, Imphal, North AOC, PO & PS Imphal, District, Imphal West, Manipur 795001

...Official Respondents.

7. Shri Amit Sagolshem, resident of Wangoi Thounaojam Leikai, Mayai Lambi, P.O. & P.S. Wangoi, Imphal West, Manipur - 795009.
8. Shri Chanam Rakesh, resident of Ngairangbam Awang Maning Leikai, P.O. Langjing & P.S. Patsoi, Imphal West, Manipur-795113.
9. Shri Yumlembam Sanathoi, resident of Keishamthong Maning Longjam Leikai, P.O. & P.S. Imphal West, Manipur-795001.
10. Shri Rajkumar Roshan Singh, resident of Sagolband Bijoygovinda Leikai, P.O. & P.S. Imphal, Imphal West, Manipur-795001.
11. Shri Irom Nirmal Singh, resident of Kairang Maning Leikai, P.O. Mantripukhri, P.S. Heingang, Imphal East, Manipur-795002.
12. Thangjam Harideva Singh, resident of Khurai Thangjam Leikai, Chingangbam Leirak, P.O. Lamlong & P.S. Porompat, Imphal East, Manipur-795010.
13. David Laitonjam, resident of Uripok Khoisnam Leikai, P.O. & P.S. Imphal, Imphal West, Manipur-795001.
14. Charan Kumar Asem, resident of Chingamakha Ningthoujam Leikai, P.O. & P.S. Singjamei, Imphal West, Manipur - 795001.
15. Hijam George, resident of Uripok Polem Leikai, P.O. & P.S. Imphal, Imphal West, Manipur-795001.
16. Sapam Nirva Devi, resident of Khurai Chingangbam Leikai, Lamlong Bazar, Ayangpalli Road, P.O. & P.S. Porompat, Imphal East, Manipur-795005.

17. Thangjam Sangita Devi, resident of Chingmeirong West, Near Pukhri Achouba, P.O Imphal, P.S. Lamphel, Imphal East, Manipur-795001.
18. Kh. Robindro Singh, resident of Ward No. 5, Kha Leikai, Near Public School, Ningthoukhong, P.O., P.S. & District Bishnupur, Manipur-795126.
19. Hijam Clington Luwang, resident of Uripok Polem Leikai, P.O. & P.S. Imphal, Imphal West, Manipur-795001.
20. O Poireinganba Khumancha, resident of Wangoi Thounaojam Leikai, P.O & P.S. Wangoi, Imphal West, Manipur-795009.
21. Ranjit Maisnam, resident of Khabam Chumbreithong East, P.O. Mantripukhri, P.S. Heingang, Imphal East, Manipur-795002.
22. Ningombam Rabichandra, resident of Langmeidong Maning Awang Leikai, PO. Kakching, P.S. Waikhong, Kakching District. Manipur-795103.
23. Yengkhom Jivan Singh, resident of Kakching Khullen Paji Leikai, P.O., P.S. & District Kakching, Manipur-795103.
24. Toijam Heroda Devi, resident of Kongba Laishram Leikai, Wangkhei Ayangpalli Road, P.O. & P.S. Porompat, Imphal East, Manipur-795005.
25. Thongam Supreme Singh, resident of Singjamei Wangma Mongkhang Lambi, P.O. Singjamei, P.S. Irilbung, Imphal East, Manipur-795008.
26. Thoidingjam Shambhunath, resident of Singjamei Chinga Makha, Chanam Pukhri Mapal, P.O. & P.S. Singjamei, Imphal West, Manipur-795008.
27. Khaidem Banky Meitei, resident of Khurai konsam Leikai, Ipum Mapal, P.O. Lamlong, P.S. Porompat, Imphal East, Manipur-795010.
28. Matouleibi Huiem, resident of Kakching Ningthou Leikai, P.O., P.S. & District Kakching, Manipur -795103.
29. Chandam Geetanjali Devi, resident of Singjamei Thongam Leikai, Top Leirak, Lane-1, P.O. & P.S. Singjamei, Imphal West, Manipur - 795008.
30. Hungyo Yurreikan, resident of Mailiang Village, Phungyar Sub-Division, P.O., P.S. & District, Kamjong, Manipur - 795145.
31. W. Dearson, resident of Chingmeirong Mamang Leikai, P.O. Imphal, P.S. Lamphel, Imphal East District, Manipur-795001.
32. Ngamgoumang Haokip, resident of House No. 7. Saikul Bazar, S. Salen Veng, P.O. & P.S. Saikul, Kangpokpi, Manipur-795129.

33. T. Wilson Henminlun, resident of Venglai, Simveng, House No. 236, P.O, P.S. & District Churachandpur, Manipur-795128.
34. Micheal Fimliensang Fimate, resident of Thailane, Rengkai, P.O, P.S. & District, Churachandpur, Manipur-795128.
35. Promilata Monsang Wanglar, resident of Liwa Sarei, Chandel, H. No. 33, P.O, P.S. & District Chandel, Manipur-795127.
36. Douthianmang Rex Lengen, resident of Dumlian Village, Sangaikot Sub-Division, P.O, P.S. & District Churachandpur, Manipur-795128.
37. Satkhogin Kilong, resident of Tuibong, Khopi Veng, P.O. P.S. & District Churachandpur, Manipur-795128.
38. Thongkhohao Haokip, resident of H-215A, Laizon Veng, Tuibong, P.O. P.S & District Churachandpur, Manipur-795128.
39. Mk Celestina, resident of Chingmeirong, Sangakpham Bazar, P.O. Lamlong, P.S. Lamphel, Imphal East, Manipur - 795010.
40. Panii Ngainii, resident of Purul Akutpa Village, Purul Sub-Division, P.O. P.S. & District Senapati, Manipur-795106.
41. L. Thanggoulien Khongsai, resident of M. Songgel Village, BPO-M Songgel, P.O. P.S. & District Churachandpur, Manipur-795128.
42. Riamei Jangmei, resident of Zeihkuluang (Tokpa) Village, P.O. & P.S. Loktak Project, Churachandpur District, Manipur - 795124.
43. Orient Thansing RS, resident of House No. 47, Kongyeetang, Phalee Village, LM Block, P.O. & P.S. Somdal, Ukhrul District, Manipur - 795144.
44. Hatzaw Suanlianpau, resident of Thangho Street, New Lamka-(G), P.O. P.S. & District Churachandpur, Manipur-795128.
45. Zaojiangam Pamei, resident of House No. 4, Namguilong, New Lambulane, 1st Street, P.O. Imphal, P.S. Porompat, Imphal - 795005. East, Manipur.

... Respondents

BEFORE

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the petitioners :: Mr. S. Rupachandra, Sr. Advocate with
Mr. Shahidur Rahman, Advocate.
Mr. Kh. Tarunkumar, Sr. Advocate with
Ms. Kh. Maria, Advocate.

For the respondents :: Mr. M. Rarry, Sr. Advocate with
Ms. M. Nikita, Advocate, [State]
Mrs. O. Momota, Sr. Advocate with
Mr. Luckyboy, Advocate [MPSC]
Mr. A. Romenkumar, Sr. Advocate with
Mr. R.K. Banna, Advocate,
Mr. H.S. Paonam, Sr. Advocate, with
Mr. S. Dijeshwor, Advocate.

Date of hearing :: 21.8.2025, 22.8.2025, 17.9.2025 &
03.10.2025.

Date of Order :: **27.04.2026**

ORDER (CAV)

[1] Petitioners in WP(C) Nos. 793 of 2023 & 725 of 2023 are the aspirants for the posts of Civil Service, advertised through the Manipur Public Service Commission (hereinafter referred to as 'MPSC'). Some of them have appeared in the Combined Manipur Civil Services Competitive, Main Examination, (2016-2022), [in short, MCS Examination (2016-2022)], conducted by the MPSC. By a Notification dated 21.11.2022 issued by MPSC, the result of examination containing 168 candidates on merit was published; and out of which, 82 candidates, as already notified in Advertisement No. 1 of 2016 dated 7.4.2016, were recommended. Subsequently, vide a Notification dated 22.02.2023, 82 persons out of 168 were appointed by the State Government. Thereafter, by another order dated 5.4.2023, 43 candidates out of the remaining candidates [i.e., 168-82=86] were recommended for appointment as Sub Deputy Collectors (in short and hereinafter referred to as, 'SDCs'); and were appointed vide order dated 21.4.2023. In WP(C) Nos. 725 of 2023 & 793 of 2023, the petitioners are challenging the appointment of

43 additional candidates as SDCs on the ground that these are subsequent vacancies not notified in the advertisement; and such appointment cannot be made from a concluded recruitment process of MCS Examination 2016-2022. In WP(C) No. 857 of 2023, the petitioner who is one of the candidates from 168 merit list prepared by MPSC and whose position is at Sl. No.111, has challenged the appointment of two candidates at Sl. Nos. 143 & 144 out of 43 subsequent appointees as SDCs and with a prayer for direction for his appointment. By the present order, this Court will examine the maintainability of writ petitions, being WP(C) Nos. 725 of 2023 and 793 of 2023, as questioned by the respondents.

[2] In terms of Cabinet decision taken on 21.02.2023 for appointment to the posts of SDC and vide Notification dated 5.4.2023, Joint Secretary (DP), Government of Manipur, published a list of 43 candidates inviting them to accept offer forms. Thereafter, vide an order dated 21.4.2023 issued by Deputy Secretary (Land Resources), Government of Manipur, 43 candidates were appointed to the post of SDCs from amongst the 168 candidates (after appointment of 82 candidates as per original advertisement) in order of merit out of the merit list published by the MPSC, vide Notification dated 22.11.2022. In this batch of writ petitions, petitioners who are aspirants and/or candidates in the MCS Examination (2016-2022) have challenged the order dated 5.4.2023 issued by Joint Secretary (DP), Government of Manipur inviting offer form to 43 candidates for the post of SDC; for quashing/setting aside the orders 21.4.2023 issued by the Deputy Secretary (Land Resources), Government of Manipur appointing 43 candidates to the post of SDCs; and also Cabinet decision taken on 21.2.2023 for giving approval to the creation of 43 additional posts of SDC in addition to 48 posts originally notified for the examination

on various grounds, including that appointment cannot be made from the merit list of the previous recruitment examination for the fresh and/or subsequent vacancies after the completion of the examination process.

[3] The State respondents filed preliminary objections to the maintainability of the writ petitions, inter-alia, on the following grounds that the writ petitioners have not come with clean hand praying for an equitable relief and actual status of the petitioners about their appearance or non-appearance in the last examination, i.e., MCS Examination (2016-2022), has not been disclosed. Some of the petitioners did not apply for the examination and some appeared, but were not selected. They have also not disclosed their participation in the next Prelim Examination of 2022 conducted by MPSC which was held on 30.04.2023. Some of the prayers in the writ petitions, are for setting aside cabinet decision for creation of aforementioned 43 posts of SDC. It is clarified that the Cabinet decision taken on 21.2.2023, was to grant approval to fill up additional 43 posts of SDCs in addition to pre-notified 48 posts of SDC in Advertisement No. 1 of 2016 dated 7.4.2016; and it was not for creation of 43 additional posts of SDCs. It is stated that the prayers are false and baseless and the State Government's approval for appointment of 43 posts of SDCs was from merit list prepared by MPSC, as per policy of the State in the exigency of service in Revenue Department; and hence, the petitioners have no locus standi to challenge such appointments by filing the present writ petitions. It is also highlighted that in Advertisement No. 1 of 2016 dated 7.4.2016, it is clearly mentioned that the number of vacancies is liable to change. The petitioners have not challenged the Advertisement, which have allowed change in the number of posts advertised. Some of the petitioners took part in the recruitment

process fully knowing and accepting the terms of the advertisement; and now, they cannot challenge the appointment of 43 SDCs after having failed to qualify and get appointment in the recruitment process. It is stated that the writ petitions are not maintainable for the aforesaid reasons.

[4] The brief fact of the case is that the Manipur Public Service Commission issued Advertisement No.1/2016 dated 7.4.2016 inviting application through online for 82 Civil posts (i) Manipur Civil Service Grade-II- 13 in number, (ii) Manipur Police Service Grade-II – 16 in number, (iii) Sub Deputy Collector – 48 in number, (iv) Manipur Secretariat Service/Section Officer- 4 in number and (v) Election Officer- 1 in number. As per the advertisement, candidates will be selected on the basis of Manipur Civil Services Combined Competitive (Main) Examination 2016 to be conducted under Manipur Civil Services Combined Competitive Examination Rules, 2011. The short-listed candidates have to appear MCS Combined Competitive Examination, 2016. The result of the main examination was declared and appointments were issued to the selected 82 candidates. Thereafter, numerous writ petitions were filed before this court by unsuccessful candidates and aspirants on various grounds of irregularity and illegal manner in the conduct of the MCS Examination 2016 and prayed for conduct of the examination afresh.

[5] Vide common judgment dated 18.10.2019 in WA No.19 of 2017, [Ref: WP(C) No.606 of 2017]; WA No.29 of 2017, [Ref: WP(C) No.725 of 2017] and connected writ petitions, the MCS main examination 2016 initiated and conducted by the MPSC, in pursuance to Notification dated 7.4.2016 was quashed by a Division Bench of this Court. The appointment orders issued by the State Government, for 82 posts were also set aside; MPSC was given an

opportunity to conduct main examination 2016, afresh, after due notification to the candidates; and CBI was directed to investigate into the conduct of the examination by MPSC.

[6] Being aggrieved by the common judgment dated 18.10.2019 passed by the Division Bench of this Court, some aggrieved parties approached the Hon'ble Supreme Court by way of Special Leave Petitions (SLPs).

[7] Vide under Order dated 21.11.2019, in SLP (Civil) Diary No(s) 39519/2019, SLP (C) No.27466-27468/2019, SLP (C) No.27560-27562/2019 and SLP(C) Diary No.40099/2019, the Hon'ble Supreme Court disposed of the petitions by permitting the MPSC to hold examination afresh as early as possible. After disposal of the SLPs by the Hon'ble Supreme Court, ten review petitions were filed by the State and successful candidates against common judgment dated 18.10.2019 passed by the Division Bench in WA No.19 of 2017 and connected matters before this Court. By common judgment dated 17.12.2022, the review petitions were dismissed by a Division Bench of this Court, being devoid of any merit. Thereafter, the State of Manipur filed SLP (C) Diary No.5680/2021 against the common order dated 18.10.2019 in WAs & WPs and connected matters; and the common order dated 17.12.2020 in the review petitions passed by the Division Bench of this Court. The SLP was disposed of vide order dated 11.2.2022 permitting the MPSC to conduct main examination of 2016 afresh, not later than four months. Thereafter, the MPSC issued circular dated 7.3.2022 for conduct of Manipur Civil Service Combined Competitive Main Examination 2016 afresh in the month of May, 2022 in pursuance of order of the Hon'ble Supreme Court. It was made clear that candidates who have appeared in the earlier MCS Main Examination 2016 would be eligible to appear in the MCS Main Examination, 2016

afresh (in short referred to 'Main Examination, 2016-2022', for clarity and to distinguish the re-examination from the earlier one).

[8] After conduct of the re-examination and on the basis of the marks secured in the Main Examination, written part of the Main Examination, 2016-2022 and personal test/interview, a combined merit list of 168 candidates dated 22.11.2022 was published by MPSC. Vide Notification dated 22.2.2023, Joint Secretary (DP) Government of Manipur issued offer forms to the 82 recommended candidates inviting appointment to the posts of Manipur Civil Service, Manipur Police Service, Sub-Deputy Collector, Manipur Secretariat Service and Election Officer, as per Advertisement No.1/2016 dated 7.4.2016. Thereafter, by a Notification dated 5.4.2023 issued by Joint Secretary (DP) Government of Manipur and in pursuance of Cabinet decision taken on 21.2.2023 for appointment to additional 43 posts of SDC, State Government invited offer forms to 43 candidates out of the remaining 86 candidates from the original merit list of 168 candidates (i.e., $168-82=86$) for appointment to the additional posts of SDC; and vide order dated 21.4.2023 issued by Dy. Secretary (Land Resources), Government of Manipur, appointment was given to the 43 candidates from the merit list of MCS Examination 2016-2022 issued by MPSC, vide Notification dated 24.11.2022. In this batch of writ petitions, petitioners, who are aspirants/candidates challenged the appointment of 43 persons as SDCs on the ground that the 43 posts were not initially included in Advertisement No.1/2016 dated 7.4.2016 (only 48 posts of SDC were initially notified) and are newly created posts. It is stated that appointment to the newly created posts and/or subsequent vacancies from the concluded recruitment process, is in violation of settled principles of law; and such an exercise cannot be resorted to without issuing

fresh advertisement in terms of the clear mandate of Articles 14 & 16 of the Constitution of India.

[9] It is the specific case of the petitioners that till declaration of final merit list dated 22.11.2022 on the basis of the result of MCS Examination (2016-2022), altogether 82 posts (initially advertised) only remained vacant; accordingly, 82 candidates were recommended and were subsequently appointed. The additional appointments to 43 posts of SDC vide order dated 21.4.2023 were made after completion of recruitment, i.e., after having appointed 82 candidates (originally advertised) vide order dated 22.2.2023; and such appointment cannot be sustained, for violation of settled principles of law in public employment through open advertisement. The additional 43 posts of SDC ought to be advertised afresh by giving opportunities to all eligible applicants including those who have already appeared and not selected; and also new applicants who are now eligible on the date of arising of the subsequent vacancies.

[10] As mentioned in para 3 supra, State respondents have filed objections to the maintainability of the two writ petitions and MPSC has also filed a short reply-affidavit. It is stated by MPSC that the impugned Notification dated 5.4.2023 issued by State Government offering forms for appointment to 43 additional posts of SDC and impugned order dated 21.4.2023 appointing 43 candidates to the posts of SDC, have no relation with the MPSC. The merit list of 168 candidates, vide notification dated 22.11.2022, was issued by the MPSC based on marks secured in the written part and interview of MCS Main Examination, 2016-2022. It is the case of the MPSC that it has nothing to do with the appointment of additional 43 posts of SDCs vide Notification dated 5.4.2023 and order dated 21.4.2023 issued by the State Government.

[11] MC (WP(C)) Nos. 36 of 2024 & 37 of 2024 [Ref: WP(C)) Nos.725 and 793 of 2023] are filed by respondent Nos. 7, 9 and 13 in the above mentioned writ petitions, questioning the maintainability of the writ petitions on the ground that the writ petitioners have no locus standi to invoke writ jurisdiction under Article 226 of the Constitution, being not 'aggrieved persons'; as they are either unsuccessful or ineligible candidates and for concealment of material facts. State respondents and private respondents Nos. 11, 17, 25, 29 & 31 in both writ petitions also filed written objections raising the plea of maintainability.

[12] It is stated that WP(C) No.793 of 2023 is not maintainable as the same is filed by persons who are not eligible for the posts, being underage. Petitioner Nos.2, 5 and 6 did not appear in the Examination 2016-2022, since they were not eligible and hence have no locus to challenge the appointment of the respondents. Petitioner No.4 is an unsuccessful candidate and petitioner No.1 is stranger having no locus to challenge the appointment. Petitioner No.2 has concealed and suppressed the fact that her name appeared in Sl.No.146 of the merit list. With respect to WP(C) No.725 of 2023, it is alleged that Petitioner Nos. 2 & 3 are not eligible and hence have no locus to file the writ petition. Petitioner Nos. 4 & 5 are unsuccessful candidates; and having appeared in the selection process, they cannot challenge the appointment of the private respondents. Petitioner No. 6 is at serial number 139 of the merit list prepared by MPSC; she has concealed this fact and as such the writ petition cannot be entertained on this ground.

[13] The applicants refer to the Advertisement No.1/2016 dated 7.4.2026 inviting for filling up of 82 vacancies, specially to para 2 that number of vacancies is likely to be changed; meaning

thereby that vacancies are only approximate and can be increased due to exigency of service, as laid down by the Hon'ble Supreme Court. The candidates including the petitioners, respondents and others took part in the examination fully knowing the terms of Advertisement about the likelihood of change in the vacancy and participated in the process without any protest. It is stated that after taking part in the examination, the unsuccessful candidates cannot challenge the examination and the appointment made therefrom.

[14] In the applications, it is pointed out that as per Rule 27 of the MPSC (Procedure and Conduct of Business) Rules, 2011, the Commission, who is to act as an agency of the State Government, can recommend candidates as per the requirement of the State Government. In order to meet the urgent and exigency of service to run the Revenue Department where there are 116 vacant posts of SDC, Cabinet took decision in its meeting held on 21.2.2023 for filling up 43 posts of SDCs by direct recruitment; Department of Personnel, Government of Manipur, issued Notification dated 5.4.2023 in this regard; and appointment order for 43 candidates out of the merit list of 168 was issued vide order dated 21.4.2023. Even though Notification dated 5.4.2023 and 21.4.2023 were challenged before this Court, there was no stay order from this Court. The applicants/respondents after completion of training, are now functioning as SDCs. It is the case of applicants/private respondents that the cause of writ petitions have become infructuous by the subsequent event.

[15] The applications further reveal that MPSC has also issued new advertisement for filling up 100 posts in the MCS Combined Competitive (Preliminary Examination) 2022 to be held in the Month of April, 2023. The fresh Notification for 100 posts has already given an opportunity to the petitioners and other aspirants

to avail right for appointment to public posts. It is settled position that direct recruits cannot claim beyond the post and some of the writ petitioners have appeared in the subsequent Preliminary Examination of 2023 and hence now, they cannot challenge the appointment of 43 SDCs out of the merit list of previous Main examination of 2016-2022.

[16] The present applications, i.e., MC (WP(C)) Nos. 36 & 37 of 2024 [Ref: WP(C)) Nos.725 and 793 of 2023], are confined to the question of maintainability of the writ petitions. It is stated that petitioner Nos.2 and 3 in the WP(C) No.793 of 2023 are not eligible and hence, they have no locus to challenge the appointment of the applicants. Petitioner Nos.4 and 5 are unsuccessful candidates and hence they cannot challenge the appointment of the applicants/respondents after taking part in the selection procedure. Petitioner No.1 is a stranger and he has no right to challenge the appointment. Petitioner No.6 is in Sl.No.146 of the merit list published by MPSC and has concealed the fact and as such, writ petition cannot be entertained on this ground alone.

[17] In MC (WP(C)) No.36 of 2024, [Ref: WP(C) No.725 of 2023], it is stated that out of six writ petitioners, petitioner No.2 and 3 are not eligible and hence have no locus to challenge the appointment of the private respondents. Petitioners No.4 and 5 are unsuccessful candidates and as such they cannot challenge the appointment of the applicants/private respondents. Petitioner No.1 is a stranger and has no right to challenge. Petitioner No.6 is in the recommended list at Sl.No.139 and has concealed this fact. In short, it is submitted that writ petitions may be dismissed on the aforesaid grounds.

[18] The petitioners in WP(C) No.793 of 2023 filed reply-objection to MC (WP(C)) No.37 of 2024 filed by respondent Nos.7,

9 and 13. It is stated that the petitioners were 36, 29, 30, 34, 22 and 25 years respectively at the time of filing of the petition. It is denied that the petitioner No.1 is a stranger and has no locus to challenge the appointments. It is further denied that the petitioner No.2 concealed/suppressed the fact of appearing her name at Sl.No.146 in the list of candidates. It is stated that after filling up of 82 posts of SDC from merit list of 168 candidates, the remaining candidates (including the private respondents) become unsuccessful candidates, as advertised posts have already been filled up.

[19] Petitioners have disclosed in para 4 that petitioner Nos.3 and 4 appeared in the 2016 Examination for appointment of 82 posts and cannot be termed either as stranger/unsuccessful for the advertised posts. It is stated that posting of private respondents were given only after filing of the petition. It is also stated that writ petitioner never challenged the appointment of 82 posts, originally advertised. The additional appointment of 43 posts was never advertised and these posts are to be included in the subsequent examination and as such, all the petitioners become aspirants; and in the circumstances, they have vested and accrued right to challenge appointment to 43 unadvertised posts of SDC. The applicants also filed an additional affidavit dated 22.7.2024 bringing on record the fact that the writ petitioners appeared in the subsequent MCS Combined Competitive Examination, Preliminary, 2022 held on 30.04.2023 and petitioner Nos.2, 3 and 4 have been declared qualified in the main examination and as such their right to participate in subsequent examination, has been fulfilled after filing of the writ petition and cause of action does not survive any longer in the writ petition.

[20] Petitioners in WP(C) No.725 of 2023 filed reply to the application questioning maintainability of the writ petition. It is

stated that petitioner Nos.1, 2 and 3 did not appear in the MPSC Combined, Competitive Examination, 2016 and despite having clear knowledge of the same, applicants/respondents have filed the aforesaid Misc application and they have not approached this Court with clean hands. The petitioners did not challenge the entire result of the Notification dated 22.11.2022 and the substantive prayer is confined to the impugned Notification dated 5.4.2023 and order dated 21.4.2023 where 43 candidates were appointed to the posts of SDC beyond notified vacancies and question of estoppel will not be applicable in the present case.

[21] It is stated that the combined merit list of 168 candidates published vide Notification dated 22.11.2022, is declaration of result on the basis of written test and personality test and nowhere it is mentioned by MPSC that 168 candidates were recommended on merit. In para 2 of the Notification dated 22.11.2022, it is stated that recommendation to appointment shall be made on the basis of merit list and Examination Rules, 2011. The applicants have selectively quoted Rule 27; and Rule 27 provides that recommendation shall not exceed number of vacancy and in the present case, 82 vacancies were notified in the advertisement dated 7.4.2026 and the same were filled up after declaration of recruitment process vide Notification dated 22.11.2022. Thereafter, State Government does not have any authority to make appointment to fill up beyond notified vacancy; but Government of Manipur arbitrarily has appointed 43 more candidates including aforesaid applicants to the post of SDCs in pursuance of Cabinet decision dated 21.2.2023.

[22] It is reiterated that authority cannot make any selection/appointment beyond the posts advertised, even if large number of posts are available other than advertised. Otherwise, the

same would amount to arbitrariness and violation of principles embodied in Articles 14 and 16 of the Constitution; because other candidates who have chosen not to apply for the earlier vacant notified posts, could have now applied. It also deprives of the right of other candidates, who are eligible now, to apply for the posts, not advertised earlier. The appointment of 43 SDCs is in violation of settled law; and writ petitioners have locus to challenge the impugned order dated 21.4.2023 appointing the private respondents in the main writ petition; and they have a vested right to appear in the examination for filling up of 43 posts of SDC, if properly notified as per applicable rules.

[23] In reply to the RTI application dated 18.5.2023 of the writ petitioners to the MPSC, it is clarified by the MPSC that there is no letter from the Department of Personnel to MPSC for creation of 43 posts of SDCs. It is reiterated that writ petitioners have locus to challenge appointment of 43 additional posts and the applications filed by some of the private respondents deserve to be dismissed. The applicants filed rejoinder to the reply filed by writ petitioners in MC (WP(C)) No.36 of 2024 reiterating that vacancy advertised are approximate and appointment can be made more than the vacancy advertised in the administration of exigency and appointments of the applicants/respondents are made on the basis of recommendation made by the MPSC. The vacancy position of SDC has been clarified vide letter dated 21.2.2023 of the Under Secretary, Revenue, Government of Manipur to the Joint Secretary (DP) stating that 33 posts of SDC out of 124 sanctioned strength for direct recruitment, 48 SDCs have already been recommended by Manipur Civil Services, Main Examination 2016-2022 and 43 additional posts of SDC have to be filled due to urgent and immediate requirement in the revenue department.

Submission of State-Respondents on Maintainability:

[24] On the question of maintainability, Mr. M. Rarry, learned senior counsel appearing on behalf of the State respondents submits that prayer Nos.(ii), (iii) and (iv) in WP(C) No.793 of 2023 are composite reliefs for issuance of writ of qua warranto, certiorari, mandamus and/or any other appropriate writ/order/direction that this Hon'ble Court may be pleased to quash/set aside the Notification, bearing No.EXAM-1/2/2022-DP-DP dated 5.4.2023 providing offer forms to 43 candidates recommended for recruitment as SDCs; for quashing/setting aside order dated 24.1.2023 whereby appointment of 43 candidates to the post of SDCs; and also to quash/set aside Cabinet decision dated 21.2.2023 for approval of creation of 43 additional posts other than notified 48 posts.

[25] It is submitted that writ of quo warranto, certiorari and mandamus cannot simultaneously be prayed for in consolidation. Writ of quo warranto is attracted only to challenge the appointment to public post of ineligible persons or appointment against Rules; and for writ of certiorari, petitioner has to establish infringement of a legal right and that he/she is an aggrieved person.

[26] Learner senior counsel for State has pointed out that Para 4 of the writ petition is their narration of fact and does not disclose the complete facts. Petitioner No.1 applied for 2016 examination but did not appear. If this Court sets aside appointment of 43 SDCs, there is no guarantee that petitioner No.1 will appear and in such situation, this Court should not entertain writ petition for cancelling 43 posts. Prayer of mandamus and certiorari cannot be made in composite. Writ of certiorari is for setting aside a State act and a writ of mandamus for a direction to the State to perform something. In the circumstances, Mr. Rarry, learned senior counsel

for State respondents emphasises that the writ petition, i.e., WP(C) No.793 of 2023, is not maintainable in the present form, as the petitioners could not show any infraction of their legal rights.

[27] During course of hearing, Mr. S. Rupachandra, learned senior counsel appearing for the petitioners in WP(C) No.793 of 2023, has dropped the prayer for issuing writ of quo warranto and confined relief to issuing writ in the nature of certiorari and mandamus. It is submitted that writ petitioners could disclose the cause of action that they are aggrieved person.

[28] Mr. M. Rarry, learned senior counsel for the State classifies some of the writ petitioners as (i) those not applied; (ii) those not applied and not eligible; (iii) those applied, but not appeared; (iv) those applied & appeared, but not qualified; and (v) those applied & not in the cut off list, and hence not selected. It is pointed out that (assuming for the sake of argument, but not admitting) in case this Court sets aside the appointment of 43 SDCs as illegal, there is no guarantee that the petitioners will apply and appear in the next examination and in such circumstances, whole proceeding will become a futile exercise. Learned senior counsel for State relies on the following judgments: (1) **1951 SCC 1024= AIR 1952 SC 12 : State of Orissa Vs Madan Gopal Rungta-** Existence of infringement of legal right of an aggrieved person is foundation for filing writ petition under Article 226 of the Constitution. (2) **1950 SCR 869: Chiranjit Lal Chowdhury Vs the Union of India & Ors;** in order to invoke Articles 32 and 226 of the Constitution, infraction of a right to a person himself is required, except for the writs of habeas corpus and quo warranto. (3) **1966 AIR(SC) 828: Godde Venkateswara Rao Vs Govt of Andhra Pradesh & Ors,-** In order to invoke Article 226, there should be infraction of personal right of the petitioner except for

right of quo warranto and Habeas Corpus, (4) **1944 ILR 464: S.K.Sawday Vs N.Singha Ray**: where there is no injury to the property of the petitioner, he has no locus standi to maintain writ of mandamus or certiorari. (5) **1955 SCC OnLine Gau 42: AIR 1955 Assam 163; Damodar Goswami Vs Narnarayan Goswami & Ors**, for invoking writ jurisdiction under Article 226, petitioner should be an aggrieved party and there is infringement of his fundamental and legal right. (6) **(2009) 3 SCC 227: Amlan Jhoti Borooah Vs State of Assam & Ors**: appointment from waiting list can be considered in exceptional case. (7) **(2013) 4 SCC 465: Ayaaubkhan Noorkhan Pathan Vs State of Maharashtra & Ors**; stranger cannot be permitted to move any proceeding until he satisfy the authority that he falls within the category of aggrieved person. (8) **(2008) 4 SCC 171: Dhananjay Malik Ors Vs State of Uttaranchal & Ors**; having unsuccessfully participated in the process of selection without any demure, the unsuccessful candidates are estopped from challenging selection criteria. (9) **Jim Golden Thingujam v. State of Manipur**: WP(C) No. 936 of 2016, order dated 22.01.2019, a Division Bench of this Court held that if the prayer is confused and not clear, the court will not be in a position to grant any relief. In conclusion, Mr. M. Rarry, learned senior counsel concludes that the writ petitions are not maintainable, as the petitioners are not aggrieved persons and for concealment of material facts. He prays for outright rejection of the writ petitions with heavy cost at the very threshold.

Submission of Selected Candidates on Maintainability:

[29] Mr. A. Romenkumar, learned senior counsel for some of the private respondents submits that MC (WP(C)) Nos.36 & 37 of 2024, [Ref: WP(C) No.729 of 2023 and 793 of 2023], are filed by respondent Nos.7, 9 and 13 in both the writ petitions, raising

question of maintainability of the petitions on various grounds that the writ petitioners have no locus standi for filing the writ petition under Article 226 of the Constitution.

[30] Out of the six writ petitioners in WP(C) No.725 of 2023, petitioner Nos.2 and 3 are not eligible as they have no locus to challenge appointment of the applicants. Petitioner Nos.4 and 5 are unsuccessful candidates, petitioner No.1 is a stranger and petitioner No.6 is included in the recommendation list at Sl.No.146. Petitioner No.6 has concealed this fact. Similarly, petitioner Nos.2, 5 and 6 did not appear in the 2016-2022 Examination and have no locus standi. WP(C) No.793 of 2023 is not maintainable as the same is filed by persons who are not eligible for the post being under-aged. It is stated that the persons who are not eligible have no locus standi to challenge the appointments. Petitioner No.4 is unsuccessful candidate and petitioner No.1 is a stranger and has no locus. Petitioner No.3 has concealed and suppressed the fact that her name appears at Sl.No.146 of the list of successful candidates.

[31] It is the case of the applicants that the recommendations are made by the MPSC in terms of Rule 27 of the MPSC (Procedure, Conduct and Business) Rules, 2011; and additional appointments have been made to meet exigency of service to run the Revenue Department where there are 162 vacancies. It is also stated that the applicants/selectees have been appointed and undergone training and are now posted at their respective stations. Subsequently, advertisement for filling up one hundred posts has been issued by MPSC for Combined Competitive (Preliminary Examination) 2022 to be held in the month of April, 2023; and petitioners have right to appear in the same examination.

[32] Mr. A. Romenkumar, learned senior counsel for the applicants/respondents has also pointed out that in terms of the

Advertisement, number of posts can be increased and there is no illegality in recommending 43 more vacancies of SDCs for appointment. It is also urged that petitioners have no right for appointment and they have exhausted their right, as they had already appeared in the 2016-2022 examination and they are unsuccessful candidates.

[33] Mr. A. Romenkumar, learned senior counsel referred to the following case laws in support of his submission.

(1) **Gajanan Babulal Bansode & Ors Vs State of Maharashtra & Ors: (2021) 4 SCC 494** @ Para 14: authority cannot fill up more than notified number of vacancies advertised as the same would violate Articles 14 and 16(1) of the Constitution.

(2) **Naseem Bano (Smt) Vs State of U.P & Ors: 1993 Supp (4) SCC 46**; averment not controverted should have been proceeded on the basis that averments have been admitted by the respondents.

(3) **Ziauddin Vs State of Manipur & Ors : (2016) 4 NEJ 323 (Man)**; para 8: Averments made in the petition are not denied or controverted and the same shall be deemed to be admitted by the other party.

(4) **Ayaaubkhan Noorkhan Pathan v. State of Maharashtra & Ors.: (2013) 4 SCC 456** @ Para 9,10 – It is the settled proposition of law that a stranger cannot be permitted to meddle in any proceeding, unless he satisfies the authority/court, that he falls within the category of aggrieved persons. The existence of legally enforceable right is a condition precedent for invoking the writ jurisdiction of the courts. The expression 'person aggrieved'

does not include a person who suffers from a psychological or an imaginary injury; a person aggrieved must, therefore, necessarily be one whose right or interest has adversely affected or jeopardised.

(5) **Sri V N Krishna Murthy v. Sri Ravikumar: 2020 (10) Scale 85** @ Para 19- The expression 'person aggrieved' does not include a person who suffers from a psychological or an imaginary injury; a person aggrieved must, therefore, necessarily be one whose right or interest has adversely affected or jeopardised.

(6) **Gopabandhu Biswal v. Krishna Chandra Mohanty:(1998) 4 SCC 447** @ Para 13- Only persons who are directly and immediately affected by the impugned order can be considered as 'parties aggrieved'.

(7) **State of Orissa v. State (Trysem) Livestock Inspector Sangha: (2018) 18 SCC 247** @ Para 10- In direct recruitment a lot of policy issues are involved. It is not mandatory that such vacancies should be to filled up and if at all to be filled up as and when vacancies arise.

(8) **L. Jayananda Singh v. Secretary, Manipur Legislature Assembly: WP(C) No. 695 of 2016**, order dated 20.03.2024, High Court of Manipur- A person who does not apply for the post is not an aggrieved party and hence has no locus to challenge the appointment of a person as Under Secretary.

(9) **Bhaskar Laxman Jadhav v. Karamveer Kakasaheb Wagh Education Society: (2013) 11 SCC 531** @ Para 44, 46- If a litigant does not come to the court with clean

hands, he is not entitled to be heard and indeed, such a person is not entitled to any relief from any judicial forum.

(10) **Ramjas Foundation v. Union of India: (2010) 14 SCC 38** @ Para 21- A person who does not come to court with clean hands, is not entitled to be heard on the merits of his grievance and , in any case, such person is not entitled to any relief is applicable not only to the petitions filed under Articles 32, 226 and 136 of the Constitution but also to the cases instituted in other courts and judicial forums.

(11) **Th. Sabanam Devi v. State of Manipur: 2021 (2) MnLJ 324** @ Para 47- High Court of Manipur held that if the petitioner does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the Court, then the Court may dismiss the action without adjudicating the matter on merits.

(12) **Shri K Jayaram v. Bangalore Development Authority: 2021 (14) Scale 663** @ Para 12- Jurisdiction exercised by High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary and the petitioner approaching the writ court must come with clean hands and put forward all facts before the court without concealing or suppressing anything. If he withholds some vital or relevant material in order to gain advantage over the other side, then he would be playing fraud with the court as well as with the opposite parties which cannot be countenanced.

(13) **Maxim India Integrated Circuit Design Pvt Ltd v. Andappa: (2025) 3 SCC 84** @ Para 24- If a litigant did not come to the Court with clean hands, he is not entitled

to be heard and indeed such a person is not entitled to any relief from any judicial forum.

(14) **Shripal Bhati v. State of UP: (2020) 12 SCC 87** @ Para 25- Ineligible person cannot challenge the appointment and subsequent absorption and such person has no locus standi in the matter. Unless injury is suffered personally, a person cannot be said to be 'aggrieved' and has no locus standi.

(15) **Dr Ramakant Saran v. State of Bihar: (1973) 1 SCC 485** @ Para 10- Person who was ineligible for consideration at the relevant time, has no right to question the appointments since he was not aggrieved.

(16) **Laiphrakpam Tombi Singh v. State of Manipur:** WP(C) No. 83 of 2023, order dated 30.11.2023- This Court held that 'a person who is not eligible for consideration for appointment at the relevant point of time has no right to question the appointment, since he is not an aggrieved person'.

(17) **Ashok Kumar v. State of Bihar: (2017) 4 SCC 357** @ Para 21- It is not open to the unsuccessful candidates after participating in the selection process to question the result; once they were declared to be unsuccessful.

[34] Mr. H. S. Paonam, learned senior counsel for respondent Nos. 11, 17, 25, 29 and 31 in WP(C) No. 725 of 2023, has raised preliminary objection stating that MPSC has recommended 168 candidates on merit list for appointment of 82 different posts. After giving appointment of 82 candidates, State Cabinet took a decision for appointment of 43 SDCs from the remaining 86 qualified and eligible candidates (i.e. $168 - 82 = 86$). Out of the aforesaid 86

candidates, 43 candidates were picked up from the merit list and appointment order was issued on 21.4.2023. Petitioner Nos.1, 2 and 3 did not appear in the aforesaid examination and as such, they are strangers. Learned senior counsel has also pleaded that WP(C) No.725 of 2023 is not maintainable for non-joinder of necessary parties. All 43 appointees to the posts of SDC have not been impleaded as respondents and only 39 appointees have been made as party-respondents. It is urged that writ petition may be dismissed on this ground of non-joinder of necessary party alone. It is highlighted that since the petitioner did not challenge the merit list of 168 candidates, they do not have any locus to question the appointment of 43 private respondents as SDCs out of the 168 merit list. It is also submitted that the petitioners are not 'aggrieved persons' and no writ lie at their instance. In WP(C) No. 793 of 2023, learned senior counsel submits that the Petitioner Nos. 1, 2, 5 & 6 did not appear in 2016 examination, but appeared in 2022 Prelim; and Petitioner Nos. 1, 5 & 6 failed in 2022 Prelim. Petitioner Nos. 2, 3 & 4 cleared 2022 Prelim, but failed in Mains examination. The petitioners have not challenged the merit list of 168 candidates prepared by MPSC and they do not have any locus to challenge the appointment of 43 SDCs from the same merit list. It is further pointed out that the petitioners are not aggrieved persons and the appointment of 43 candidates is strictly as per merit. Hence, they do not have indefeasible right to challenge the appointment of 43 candidates from the merit list prepared by MPSC.

Submission of MPSC on Maintainability:

[35] Mrs. O. Momota, learned senior counsel for MPSC, submits that the Commission is not related to the appointment of 43 candidates as SDCs from the merit list of 168 candidates prepared by MPSC.

Submission of Writ Petitioners on Maintainability:

[36] Mr. Kh. Tarunkumar, learned senior counsel for the petitioners in WP(C) No. 725 of 2023 in his reply to the question of maintainability, submits that once notified vacancies/posts have been exhausted by appointment, the process of recruitment is deemed to be concluded and comes to an end. Subsequent vacancy cannot be filled up by appointment from the merit list of the earlier recruitment examination. It directly affects and impinges on the rights of other aspirants to apply and compete for the subsequent vacancies, i.e., 43 posts approved later on as per Cabinet decision. It is further submitted that in all cases of recruitment by competitive examination, the appointment shall not exceed the number of vacancies approved by Government. Once the process of recruitment is completed upon appointment to the posts advertised, all the unsuccessful candidates become aspirants and such candidates and other eligible persons have a vested right to apply and appear for consideration for appointment in the subsequent and/or new vacancies. Such vacancies have to be advertised in terms of the mandate of Articles 14 & 16 of the Constitution and the same cannot be filled up from the merit list of earlier and concluded recruitment examination. Regarding the plea of non-joinder of necessary parties as raised by Mr. H S Paonam, it is urged by Mr. Kh. Tarunkumar, learned senior counsel that all appointees are not required to be impleaded as parties, if some of the appointees are made party on representative capacity and if the appointment is in contravention of applicable rules. For illegal and void appointment ab-initio as in the present cases in hand, it has been explained that such appointees are not required to be given an opportunity of being heard before cancelling their appointment and it will be a futile exercise. He further refers to Rule 27 of MPSC Examination Rules

2011 to the point that the number of candidates recommended for appointment shall not exceed the vacancies reported by the Government and hence appointment of 43 candidates as SDCs is void ab-initio, as the vacancies were not notified by the Government. It is also submitted that the writ petition is maintainable in the present form, as all the aspirants (including the petitioners herein) have a right to appear in the recruitment examination for filling up future vacancies mandated to be advertised afresh. He relies on the following case laws to buttress his argument:

(1) **Vivek Kaisth v. State of H.P: (2024) 2 SCC 269:**

(paras 27 and 29) : No appointment can be made over and above the vacancies which have been advertised: Public Service Commission cannot recommend more names than what have been advertised.

(2) **Rakhi Ray & Ors vs High Court of Delhi: (2010)**

2 SCC 637: (para 7 and 12); vacancies cannot be filled up over and above number of vacancies advertised, as the same will be in violation of mandate of Articles 14 & 16(1) of the Constitution and waiting list cannot be a reservoir to fill up future vacancy.

(3) **Prabodh Verma & Ors Etc Vs State of U.P.:**

(1984) 4 SCC 251 @ Para 50 : 'A High Court ought not to hear and dispose of a writ petition under Article 226 of the Constitution without the persons who would be vitally affected by its judgment being before it as respondents or at least some of them being before it as respondents in a representative capacity, if their number is too large to join them as respondents individually, and, if the petitioners refuse to join them, the High Court ought to dismiss the petition for 'non-joinder of necessary parties'.

(4) **Amrit Yadav v. The State of Jharkhand: 2025 INSC 176** @ Para 32 & 33- Hon'ble Supreme Court held that if the subject appointments were ab-initio nullity in the eyes of law, it was not incumbent on the court to pass an order after hearing all the parties that were likely to be affected by such decision, i.e., the candidates who were already appointed to the posts-in-question. The principles of natural justice were not required to be complied with, particularly when the same would be nothing short of 'an exercise in futility'.

[37] Mr. S. Rupachandra, learned counsel for petitioners in WP(C) No.793 of 2023 submits that all aspirants have locus to challenge appointment of 43 extra SDCs, as it affects their right to appear in the examination for future vacancies. It is vehemently pointed out that the additional 43 posts of SDC have to be notified by fresh advertisement in terms of the mandate of Articles 14 & 16 of the Constitution of India. Learned senior counsel has further emphasised that no appointment can be made exceeding the posts notified by the State Government and advertised by MPSC. He refers to the decision of the Hon'ble Supreme Court in the celebrated case of **Gajanan Babulal Bansode & Ors Vs State of Maharashtra & Ors: (2021) 4 SCC 494** to highlight the law of impermissibility of appointment exceeding the notified vacancies. Learned senior counsel clarifies that in para 4 of the writ petition, the petitioners have clearly disclosed that they are preparing for Prelim Examination to be held in 2023 and petitioner Nos. 3 & 4 have already appeared in MCS Main Examination 2016-2022 and hence there is concealment of material facts. Even if assuming for the sake of argument, but not admitting that the petitioners have concealed some facts, this will not materially affect the merit of the case. Mr.

S. Rupachandra, learned senior counsel also adopts the other submissions of Mr. Kh. Tarunkumar, learned senior counsel for petitioners in connected case.

Analysis of this Court on Maintainability:

[38] This Court has perused the material on record, the pleading and submissions of the parties and cited decisions.

[39] The common grounds for the plea of maintainability as raised by State respondents and private respondents can be enumerated under the following heads: (i) in WP(C) No. 793 of 2023, writ of quo warranto cannot be prayed for as a composite prayer along with writs in the nature of certiorari and mandamus; (ii) non-disclosure of complete facts and petitioners approaching the court without clean hands; (iii) petitioners are not aggrieved persons; (iv) some of the petitioners having appeared in the recruitment examination, now cannot challenge the recruitment and appointment of 43 candidates as SDCs; (v) the advertisement bearing No. 1 of 2016 dated 07.04.2016 issued by MPSC stipulated that number of vacancies is liable to change; (vi) unsuccessful candidates and those who did not appear in the examination, cannot challenge the examination and appointment made therefrom; & (vii) non-impleadment of necessary parties in WP(C) No. 725 of 2023 where only 39 appointees out of 43, are made as party-respondents.

[40] Mr. M. Rarry, learned senior counsel for the State respondents has questioned the maintainability of WP(C) No. 793 of 2023, as the petitioners have made consolidated prayers for issuing writ in the nature of qua warranto, certiorari and mandamus in prayer clauses (ii), (iii) & (iv) for quashing/setting aside of various notifications, orders and decisions of the State Government for appointment of additional 43 candidates as SDCs. It is vehemently argued that writ of quo warranto has to be filed by public spirited

person challenging appointment to public post of ineligible persons, whereas for writ of certiorari and mandamus, the petitioner should be an aggrieved person who has a legal right; and hence consolidated and composite prayer cannot be entertained. During the course of hearing, Mr. S. Rupachandra, learned senior counsel for the petitioners, on instruction, has dropped the prayer for issuing a direction in the nature of writ of quo warranto and confined the plea to the writ for certiorari and mandamus. In the circumstances, this Court is of the considered view that the ground of attack on maintainability of writ petition for composite prayer for issuing writ in the nature of qua warranto, certiorari and mandamus, does not survive any longer.

[41] The second plea on the question of maintainability is for non-disclosure of complete material facts; the petitioners have not approached this Court with clean hands; and hence they are not entitled to any equitable relief in writ proceedings. It is alleged that the petitioners have not disclosed about their appearance in the MCS Examination 2016-2022 and subsequent examination of 2022. In view of the settled proposition of law as mentioned in para 28 & 33 (supra), it is urged that the writ petitions are not maintainable and are liable to be rejected at the very threshold. This Court has perused the averments in writ petitions and has found that all the petitioners have clearly mentioned about their status with regard to appearance in MCS Examination 2016-2022 and preparation and submission of forms for next examination to be held in 2023. Even if some more details are lacking as alleged by the respondents, the same will not be materials so as to disentitle the petitioners from filing the writ petitions in the present form. The plea of non-disclosure of material facts does not find palatable to this Court for serious consideration.

[42] The main challenge to the question of maintainability is that the petitioners are not 'aggrieved' persons. It is the common plea of the respondents that the pre-condition for filing a writ petition praying for a direction in the nature of certiorari, is that the person approaching the court should be an 'aggrieved person'. Some of the petitioners appeared in MCS Examination 2016-2022, but not selected; and others did not appear as they did not apply and/or were ineligible. The appointment of 43 candidates as SDCs from the merit list prepared by MPSC in order of merit, cannot be challenged by the petitioners. It is the case of the respondents that the additional appointment of 43 candidates from the merit list is permissible, as the advertisement itself contains a clause that the number of vacancies is liable to change. With the issuance of the subsequent advertisement for 100 vacancies by MPSC in 2022 (to be conducted in 2023), the petitioners have an opportunity of appearing and hence they are no longer 'aggrieved persons'.

[43] It is the specific case of the petitioners that as per the decisions of Hon'ble Supreme Court in a catena of cases including **Gajanan Babulal Bansode, Vivek Kaisth, & Rakhi Ray (supra)**, no appointment can be made above the posts advertised and subsequent vacancies cannot be filled up from the merit list of earlier concluded recruitment. Upon appointment of 82 notified vacancies vide order date 22.02.2023 issued by the State Government, the recruitment process initiated by Advertisement No. 1 of 2016, had been concluded; and hence, the subsequent appointment of 43 SDCs (not notified) by impugned order dated 21.04.2023 is void ab-initio.

[44] This Court is of firmed opinion that the permissibility and/or impermissibility of appointment of 43 SDCs in terms of the specific clause in advertisement of likelihood of change in number

of vacancies, is an issue to be decided on merit of the writ petitions. If the 43 posts of SDCs are advertised afresh, the petitioners and other aspirants would be eligible for appearing in the next recruitment and hence they would fall within the meaning of 'aggrieved persons', having a right to appear in the examination for filling up of 43 posts of SDC. During the course of hearing, this Court enquired from learned senior counsel appearing on behalf of the State and private respondents as to who would be the 'aggrieved persons' to challenge the decisions to appoint 43 SDCs, no definite answer was forthcoming. Without expressing any opinion of the permissibility of the appointment of 43 SDCs by order dated 21.04.2023, this Court holds that the petitioners are 'aggrieved persons' who are entitled to challenge the subsequent appointments, allegedly in excess of notified vacancies and after completion of recruitment process, from the merit list of 168 candidates published by MPSC.

[45] Another ground to the plea of maintainability is the participation of some of the petitioners in the subsequent advertisement for filling of 100 posts issued by MPSC in 2022. This Court is of the view that participation of the petitioners in subsequent examination will not erase the cause of action for challenging the appointment of 43 SDCs, allegedly in excess of notified post and after the completion of the recruitment process.

[46] One of the strong points for questioning the maintainability of writ petitions by the respondents, is the plea that unsuccessful candidates and those who have not appeared in the examination, cannot challenge the examination and appointment made therefrom. It has been explained from the side of the petitioners that they never challenge the examination process and the appointment of 82 candidates as originally notified. The

challenge is confined to appointment of 43 candidates as SDCs after the competition of recruitment process. This Court does not find any merit to the objection of respondents with respect to unsuccessful candidates and candidates who did not appear in the examination.

[47] Mr. HS Paonam, learned senior counsel for some of the private respondents, has raised the maintainability of writ petition, being WP(C) No. 725 of 2023 on the ground that only 39 appointees have been made as respondents out of 43 candidates appointed as SDCs. He has highlighted that the writ petition is not maintainable as any adverse order cannot be passed without hearing the remaining four candidates. Relying on the precedents of **Prabhod Verma & Amrit Yadav (supra)**, Mr. Kh. Tarunkumar, learned senior counsel for the petitioners submits that all appointees in void appointment, are not required to be heard while considering for cancelling their appointment and if they are represented in representative capacity.

[48] It may be clarified at this stage that this Court is not examining the legality of the appointment of 43 SDCs and the issue at hand is the maintainability of the writ petitions. It may be noted that this Court has not formed any opinion about the illegality of the appointment and hence the decision of Hon'ble Apex Court in the cases of **Prabhod Verma & Amrit Yadav (supra)** will not be applicable at this initial stage. However, in WP(C) No. 793 of 2023, all the 43 appointees have been made as respondents and they have been duly served and some of them appeared through their respective counsel. The four persons who have not been impleaded in WP(C) No. 725 of 2023, do not contest the case in WP(C) No. 793 of 2023; and hence they cannot be considered as having no knowledge about the pending cases including WP(C) No. 725 of 2023, where their appointments have been questioned. Since all

these writ petitions are heard together, this Court is of the view that no serious prejudice will be caused to the four non-impleaded appointees in WP(C) No. 725 of 2023. In the circumstances and in view of the ratio in **Prabhod Verma (supra)**, the petitioners in WP(C) No. 725 of 2023 are directed to implead the remaining four appointees out of 43 SDCs appointed vide order dated 21.04.2023 so as to offer them another opportunity of being heard before passing any order.

CONCLUSIONS & DECISIONS:

[49] In view of the above discussions and observations, this Court holds as follows:

- (i)** The petitioners are 'aggrieved persons'.
- (ii)** There is no concealment of material facts by petitioners.
- (iii)** The issue of permissibility of excess appointment beyond notified vacancies is to be decided on merit in the main petitions.
- (iv)** The non-joinder of all appointees are curable defects as held in **Prabhod Verma (supra)**.
- (v)** The writ petitions, i.e., WP(C) Nos. 793 of 2023 & 725 of 2023 are maintainable.
- (vi)** The applications, i.e., MC (WP(C)) Nos. 36 & 37 of 2024 [Ref: WP(C)) Nos.725 & 793 of 2023] and objections of State respondents and private respondents to maintainability of writ petitions, are disposed of in terms of findings in Para 49(v).
- (vii)** The petitioners in WP(C) No. 725 of 2023 are directed to implead the remaining four appointees out of 43 SDCs as respondents so as to avail them another opportunity of being heard, within a period of two weeks from the date of this order, i.e., 27.04.2026.

[50] List the main cases and connected applications on **11.05.2026**. Respondents may file counter affidavits, if not filed earlier, on merit with advance copy to the other side. No cost.

JUDGE

FR/NFR

Priyojit