

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

**W.A. No.9 of 2026  
With  
MC(W.A) No.10 of 2026**

Thoudam Bhupendra Singh and 32 Ors.

*Applicant/s*

**Vs.**

Yengkhom Ashalata Devi and 38 Ors.

*Respondent/s*

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR  
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA  
(ORDER)**

*(Order of the Court was made by Mr. M. Sundar, CJ)*

**11.03.2026**

**[1]** Captioned main Writ Appeal (W.A.) has been filed assailing 'an order dated 09.02.2026 made by Hon'ble learned Single Bench in WP(C) No.808 of 2025' ('impugned order' for the sake of brevity, convenience and clarity).

**[2]** Mr. Md. Ajmal Hussain, learned counsel on record for 33 (thirty three) appellants is before this Court. Learned counsel for appellants, submits that appellants were not party to proceedings before Hon'ble Single Bench which culminated in the impugned order owing to which appellants took out an application in MC(WA) No. 7 of 2026 with a prayer for third-party leave. This third-party leave M.C. was allowed/ordered by this Division Bench in and vide an order dated 27.02.2026 and reproduction of the same is as follows:

*'Item No. 3*

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

**MC(WA) No. 7 of 2026**

*Thoudam Bhupendra Singh, (Designation: V.E.W.),  
aged about 35 years, S/o Th. Kunjabihari Singh, a*

*resident of Khangempalli Pankha, Imphal West District, Manipur & 32 Ors.*

*... Applicants*

*- Versus -*

*Yengkhom Ashalata Devi, aged about 43 years old, W/o Moirangthem Devakishore Singh, a resident of Kakching Moirangthem Leikai, P.O. & P.S. Kakching, Kakching District, Manipur – 795103 & 38 Ors.*

*... Respondents*

**B E F O R E**

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR  
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

*For the applicant* : *Mr. Md. Ajmal Hussain, Advocate*

*For the respondents* : *Mr. HS Paonam, Senior Advocate  
Instructed by Mr. S. Gunabanta,  
Advocate for R-1*

: *Mr. Phungyo Zingkhei, Deputy  
Government Advocate for R-37 to  
R-38*

: *Mr. Disney, Advocate for R-39  
(MPSC)*

*Date of hearing* : *27.02.2026*

*Date of judgment  
& order* : *27.02.2026*

**JUDGMENT & ORDER**

**(ORAL)**

**(M. Sundar, CJ)**

[1] *Captioned miscellaneous case (MC) has been filed by 33 (thirty three) applicants seeking leave/permission to file third party writ appeal (WA) assailing an order dated 09.02.2026 in W.P.(C) No. 808 of 2025 wherein Hon'ble Single Bench has allowed the writ petition filed by R – 1 to R – 36 in the captioned MC application.*

[2] *Short facts are that MC applicants are working as Field Assistants ('FAs' for the sake of convenience) in Agriculture Department, Government of Manipur; that they have filed W.P.(C) No. 619 of 2025 inter alia challenging an order dated 07.01.2022 bearing reference No. ASRB-302/1/2022-Agri-AGRI made by Commissioner (Agri), Government of Manipur whereby R-1 to R-36 were absorbed/regularized as FAs; that in this W.P.(C) No. 619 of 2025, 33 (thirty three) applicants in captioned MC*

*also made further prayers to consider them for promotion to the posts of Assistant Agriculture Officer ('AAOs' for the sake of convenience) and other equivalent posts and they also made prayers for 25 (twenty five) percentage quota for promotion to AAOs and other equivalent posts exclusively for FAs as per existing Recruitment Rules without extending the same to some of newly absorbed/regularized contractual employees; that in this W.P.(C) No. 619 of 2025, a miscellaneous case being MC[W.P.(C)] No. 579 of 2025 has been taken out with a prayer for stay qua 41 (forty one) vacant posts of AAOs; that this W.P.(C) No. 619 of 2025 and MC[W.P.(C)] No. 579 of 2025 thereat are pending even as of today; that pending this W.P.(C) No. 619 of 2025 and MC[W.P.(C)] No. 579 of 2025, R-1 to R-36 filed W.P.(C) No. 808 of 2025 inter alia with a prayer for direction to consider them for promotion to the post of AAOs or equivalent posts in the Department of Agriculture; that in this W.P.(C) No. 808 of 2025, R-1 to R-36 in captioned MC have specifically mentioned about W.P.(C) No. 619 of 2025 in Paragraph No. 19 thereat; that under such circumstance, in W.P.(C) No. 808 of 2025 where 33 (thirty three) MC applicants who were not made parties were heard out by a Hon'ble Single Bench and allowed in and vide afore-referred order dated 09.02.2026; that under such circumstances, captioned MC (seeking third party leave) has been filed.*

*[3] Mr. Md. Ajmal Hussain, learned counsel for applicants submits that he moved the Registry and also sought tagging of writ petitions being W.P.(C) No. 619 of 2025 and W.P.(C) No. 808 of 2025 on coming to know about pendency of W.P.(C) No. 808 of 2025 but the same was brushed aside and afore-referred 09.02.2025 order came to be made. It is submitted that vide W.P.(C) No. 808 of 2025, dated 09.02.2025 order, R-1 to R – 36 in captioned MC application have been directed to be considered for promotion to 41 (forty one) vacant posts of AAOs or equivalent posts, such direction has been given to MPSC (Manipur Public Service Commission) and there is a further direction to complete this process within 2 (two) months.*

*[4] Issue notice.*

*[5] Mr. S. Gunabanta, learned counsel accepts notice for R-1 to R-36; Mr. HS Paonam, learned senior advocate appears on his behalf.*

*Mr. Phungyo Zingkhei, learned State counsel accepts notice for R-37 and R-38; Mr. Disney, learned counsel accepts notice for R-39 (MPSC).*

[6] *All the afore-mentioned counsel consented for having captioned MC (third party leave application) taken up and heard out. Therefore, with the consent of afore-mentioned counsel captioned MC (third party leave application) was taken up and heard out.*

[7] *Mr. HS Paonam, learned senior advocate submitted that in W.P.(C) No. 619 of 2025, one set of FAs have assailed regularization/absorption of another set of FAs, the same is impermissible and W.P.(C) No. 808 of 2025 filed by R-1 to R-36 in captioned MC pertains to considering them for promotion from FAs to AAOs; while R-1 to R-36 in captioned MC are already graduates in Agri discipline, 33 (thirty three) applicants in captioned MC are only Diploma holders and are undergoing Degree course.*

[8] *Mr. Phungyo Zingkhei, learned State counsel and Mr. Disney, learned counsel for MPSC submit that they neither support nor oppose the captioned MC and they will abide by any order made by this Court.*

[9] *This Court carefully considered the rival submissions.*

[10] *At the outset, the very absorption/regularization of R-1 to R-36 i.e. regularization of FAs is under challenge. This Court has entertained writ petition [W.P.(C) No. 619 of 2025], notice has been issued, R-1 to R-36 are admittedly contesting the writ petition and R-1 to R-36 have specifically mentioned about pendency of this writ petition in the pleadings itself particularly in Paragraph No. 19 of W.P.(C) No. 808 of 2025.*

[11] *If W.P.(C) No. 619 of 2025 is allowed, the very absorption /regularization of R-1 to R-36 as FAs will stand effaced and therefore the question of their promotion as AAOs will not arise. Therefore, it is clear that W.P.(C) No. 619 of 2025 and W.P.(C) No. 808 of 2025 are more in the nature of cross suit.*

[12] *Be that as it may, this Court carefully considered the submissions made by learned senior counsel for R-1 to R-36. This Court is of the considered view that submissions made by learned senior counsel (captured and set out supra in Paragraph No. 7) are on merits of the case of R-1 to R-36 in W.P.(C) No. 619 of 2025 and therefore, the same do not*

*come to the aid of R-1 to R-36 in resisting captioned MC. To put it differently, these arguments do not come to the aid of R-1 to R-36 in the captioned MC. Therefore, this Court refrains from expressing any view or opinion on the merits of the submissions and makes it clear that these submissions are left open for being considered in W.P.(C) No. 619 of 2025.*

*[13] As regards R-37 to R-39, the stated position is that they are neither opposing nor supporting the captioned MC prayer and they will abide by any order made by this Court which has been captured and set out supra in Paragraph No. 8.*

*[14] As it is clear as day light that R-1 to R-36 have mentioned about pendency of W.P.(C) No. 619 of 2025, in Paragraph No. 19 of W.P.(C) No. 808 of 2025 (they have obviously mentioned about W.P.(C) No. 619 of 2025 in W.P.(C) No. 808 of 2025 only because of its relevance) and as this Court has no doubt that two writ petitions are in the nature of akin to cross suits as it is a case of two sets of FAs, 33 (thirty three) FAs who are applicants in captioned MC on one side and 36 (thirty six) FAs [R-1 to R-36 in captioned MC] in tussle for consideration for promotion as AAOs and as FAs is a feeder post for promotion to AAOs or any other equivalent posts, this third party leave prayer cannot but be granted.*

*[15] In the light of the narrative, discussion and dispositive reasoning thus far, prayer in the captioned MC i.e., prayer seeking third party leave to assail order dated 09.02.2026 in W.P.(C) No. 808 of 2025 is acceded to.*

*[16] Registry is directed to expeditiously process the writ appeal vide Filing No. WA/391/2026 and Efiling No. AMN20230000126C202600032 and if objections are removed and if the writ appeal is in order, assign a number and list the same along with MC thereat at the earliest.*

*[17] Captioned MC allowed/ordered as above. There shall be no order as to costs.'*

**[3]** Learned counsel for appellants submits that the afore-referred order of this Bench in the third-party leave application captures the crux and gravamen of the issue and adds that in service jurisprudence, promotion is not a

right and at the highest one can only make a prayer for being considered for promotion.

**[4]** Captioned W.A is admitted.

**[5]** Issue notice.

**[6]** Mr. S. Gunabanta, learned counsel, accepts notice for respondent Nos. 1-36 (R-1 to R-36/private respondents). Mr. Phungyo Zingkhei, learned State counsel, accepts notice for respondent Nos. 37 & 38(R-37 & R-38) and Mr. L. Rajesh, learned counsel accepts notice for respondent No.39(R-39/MPSC).

**[7]** On behalf of Mr. S. Gunabanta, learned counsel, Mr. H.S. Paonam, learned senior counsel, is before this Court. Learned senior counsel submits that WP(C) No.619 of 2025 is scheduled to be listed before a Hon'ble Single Judge tomorrow and appellants before this Court who are writ petitioners thereat have taken out a Miscellaneous Case i.e., M.C(WP(C)) No.579 of 2025 with a prayer for stay qua 41 (forty one) vacant posts of AAO (Assistant Agricultural Officers). Learned senior counsel submitted that the M.C. (stay petition) before the Hon'ble Single Judge may become otiose if the interim prayer sought for by the appellants is granted.

**[8]** Mr. Phungyo Zingkhei, learned State counsel for R-37 & R-38, submitted that the State is yet to send proposal to MPSC *qua* 41 posts of AAO. Mr. L. Rajesh, learned counsel for R-39/MPSC is yet to receive proposal from the State.

**[9]** However, as regards the impugned order, the State has proposed timeline of two months for sending proposal, two months for selection and one month for appointment (five months in all).

**[10]** The afore-referred third-party leave order dated 27.02.2026 in MC (WA) No. 7 of 2026 has attained legal finality/has been given legal quietus. Inter alia, in this view of the matter and owing to the overlap, prima-facie case has

been made out, balance of convenience is in favour of grant of stay as appointment of AAOs pursuant to impugned order can lead to irreversible legal injury owing to competing interest of 33 appellants on one side and R-1 to R-36 on the other side. Therefore, there will be an order of interim stay of operation and implementation of the impugned order *i.e.*, judgment and order dated 09.02.2026 passed in WP(C) No. 818 of 2025 pending captioned W.A. To be noted, this is prayer limb No. (i) in captioned MC (W.A.) No.10 of 2026.

**[11]** This Court makes it clear that as regards WP(C) No.619 of 2025, the same can be heard out on its own merits and in accordance with law by the Hon'ble Single Judge untrammelled by the pendency of the captioned W.A. and interim order which we have granted, operating. In this regard, all the learned counsel before us very fairly agreed that they will cooperate and extend all assistance to Hon'ble Single Bench for having the main writ petition being W.P. (C) No. 619 of 2025 disposed of as expeditiously as the official business of the Bench would permit, be it tomorrow, Friday or any other date as would be convenient for the Hon'ble Single Bench. This submission which is made by learned counsel at the Bar is recorded.

**[12]** List the captioned W.A and captioned M.C three weeks hence. In the interregnum, it is open to parties to complete the pleadings in the captioned M.C.

**[13]** List on 01.04.2026.

**JUDGE**

**CHIEF JUSTICE**

*Ab. Surjit*