

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

WP(C) No. 242 of 2023

Smt. Ng. Justina Monsang & ors.

... Petitioners

Vs.

State of Manipur & ors.

... Respondents

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

20-03-2023

Heard Mr. Mayonkui Ngalung, learned counsel appearing for the petitioners.

Issue notice, returnable within four weeks.

Mr. Lenin Hijam, learned Advocate General, Manipur assisted by Ms. Caroline, learned counsel entered appearance and accepts notice on behalf of the respondents, hence no formal notice is called for.

The case of the petitioners is that they were appointed as Primary Teachers on regular basis in the Autonomous District Council, Chandel by an order dated 20-12-2016 issued by the Executive Officer, Autonomous District Council, Chandel and they have been rendering their services as regular employees since then. It is the case of the petitioners that while they were rendering their services as regular employees for last more than six years, the Joint Secretary (TA & Hills), Government of Manipur issued an order dated 03-03-2023 thereby terminating the services of the petitioners. The learned counsel appearing for the petitioners submitted that the termination order had been issued without giving an opportunity of being heard to the petitioners and without following the constitutional provision provided under Article 311(2) of the Constitution of India and as such, the termination order is illegal and a prayer has been made for suspending the operation of the termination order.

Mr. Lenin Hijam, learned Advocate General appearing for the respondents submitted that as per the record maintained by the Government official, the appointment of the petitioners are totally illegal

and as such appointment has been found to be illegal, the Government has issued the termination order. The learned Advocate General also submitted that he may be given few days' time to file a comprehensive counter affidavit and to dispose of the present writ petition as early as possible.

In view of the submission made above, let this case be listed again on 03-04-2023. In the meantime, the State respondents are at liberty to file their counter affidavit on or before 27-03-2023 with advance copy to the counsel for the petitioners and the petitioner are also at liberty to file rejoinder affidavit on or before 03-04-2023.

As the services of the petitioners have been terminated without giving any notice to them and without holding any enquiry as contemplated under Article 311(2) of the Constitution of India, this Court is of the considered view that the petitioners have been able to make out a prima facie case for passing an interim order. Accordingly, the impugned order dated 03-03-2023 shall remain suspended till the disposal of the present writ petition.

JUDGE

Devananda