

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

WP(C) No.103 of 2024 with
MC (WP(C) No.158 of 2024 with
MC (WP(C) No.176 of 2024 with
MC (WP(C) No.190 of 2024 with
MC (WP(C) No.214 of 2024 with
MC (WP(C) No.333 of 2024 with
MC (WP(C) No.334 of 2024 with
MC (WP(C) No.61 of 2024 with
WP(C) No.190 of 2024 with
WP(C) No.254 of 2024 with
WP(C) No.434 of 2024

Delton Tayenjam

... Petitioner

-Versus-

State of Manipur & 12 Ors

... Respondents

**BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**
24.07.2024

Present Mr.I.Lalitkumar, learned senior counsel assisted by Ms.Alina, learned counsel for the petitioner, Mr.Dimal Kumar Haobam, learned counsel for the State and Mr.S.Samarjeet, learned Sr.PCCG for the CBI and Mr.Arunkumar, learned counsel for the private respondent.

Learned counsel for the petitioner approached this Court challenging the appointment of private respondent dated 25.1.2024 on the ground that out of 49 candidates recommended by the DPC dated 26.8.2020, only 17 names were included and 32 persons from the list recommended by the DPC were omitted from the appointment order dated 25.1.2024.

The petitioner herein challenged the appointment of the respondents under unreserved category.

While issuing notice vide order dated 9.2.2024 this Court stayed the appointment of private respondent Nos.4 to 13 till the next date.

The stand of the State respondents is that the purported proceedings of the DPC held on 26.08.2020 was not in existence in the Files of the State and the impugned order dated 25.1.2024 was issued on the basis of the duly conducted DPC held on 28.6.2023. Thereafter on the basis of the stand of the State, private respondents moved an application for vacating the interim order on the ground that the proceedings of the DPC dated 26.8.2020 was not in existence. Thereafter, the petitioner filed another writ petition being WP(C) No.433 of 2024, inter alia, praying for an investigation by the CBI regarding the authenticity of the 2nd DPC.

The stand of the State is that the first DPC held on 26.8.2020 was in existence as it was duly signed by all members of the DPC.

Mr.Arunkumar, learned counsel for the private respondents submits that due to the impugned order only private respondents, ten in numbers, herein have been stayed whereas there are eligible 32 such persons. Service of 22 similarly situated persons as the ten private respondents have been stayed by the order and they are given service. Accordingly, it is submitted that interim order may be vacated.

This Court have considered the materials on record.

By the interim order passed on 9.2.2024, this Court had kept under suspension the appointment of ten private respondents only and case of 22 other similarly situated persons, no order was passed as they are not impleaded as party in the present writ petition. This Court is of the view that the interim order dated 9.2.2024 be modified to the effect that appointment of the petitioner

shall be subject to the outcome of the writ petition and they may be permitted to discharge their duties.

With this observation, interim order dated 9.2.2024 is modified and MC (WP(C)) No.176 of 2024 is disposed of.

List the remaining cases on 7.8.2024.

JUDGE

Priyojit

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