

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

W.P. (C) No. 376 of 2021

M. Shyamo Singh

.... *Petitioner/s*

- Versus –
State of Manipur & 4 Ors.

.... *Respondent/s*

**BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

22.04.2021

Heard Ms. L. Sillori, learned counsel appearing for the petitioner.

Issue notice returnable within 4(four) weeks.

Mr. K. Jagat, learned Government Advocate accepts notice on behalf of the respondents No. 1, 2 & 3, hence, no formal notice is called for in respect of the said respondents.

Petitioner is to take steps for service of notice upon the respondents No. 4 & 5 by speed post within 3(three) days.

The learned counsel appearing for the petitioner prayed for an interim order for staying the operation of the impugned order dated 08.02.2021 appointing the private respondent No. 5 as in-charge Head Master of Tangjeng Ningthou High School. The case of the petitioner is that as per the order dated 15.01.2018 issued by the Director of Education (S), the petitioner was appointed as Head Master in-charge of Tangjeng Ningthou High School by an order dated 02.03.2017. Subsequently, the ZEO Zone-III, Thoubal wrote a letter dated 25.08.2018 to the Secretary, School Managing

Committee of Tangjeng Ningthou High School requesting the letter to relook into the matter of appointment of the petitioner as Head Master in-charge and issue a speaking order and to re-submit the same for approval.

Pursuant to the said letter of the ZEO, Zone-III, Thoubal District dated 25.08.2018 the Secretary, School Managing Committee of Tangjeng Ningthou High School, Thoubal District issued a speaking order dated 20.09.2018 approving the appointment of the petitioner as in-charge of the Head Master of the said school.

It is the case of the petitioner that without at all considering and ignoring the said order dated 20.09.2018 issued by the Secretary of the Managing Committee of Tangjeng Ningthou High School, the ZEO, Zone-III, Thoubal issued the impugned order dated 08.02.2021 appointing the respondent No. 5 as Head Master in-charge of the said school.

The learned counsel appearing for the petitioner vehemently submitted that as per the relevant rules and as per the order issued by the Director of Education (S), the Head Master in-charge of the aided school can only be appointed on the recommendation of the School Managing Committee, however, in the present case, the respondent No. 5 was appointed as Head Master in-charge of the said school without the recommendation of the School Managing Committee.

In support of her contention, the learned counsel appearing for the petitioner submitted that the new School Managing Committee of Tangjeng Ningthou High School was approved by an order dated 10.03.2021 and the term of the earlier School Managing Committee expired on 27.08.2020.

Accordingly, it is crystal clear that the impugned order dated 08.02.2021 was issued while there there was no School Managing Committee of the Tangjeng Ningthou High School.

In view of the above, it has been submitted by the learned counsel appearing for the petitioner that the respondent No. 5 had been appointed by the ZEO without the approval of the School Managing Committee and accordingly, the same is not sustainable and it deserves to be stayed during the pendency of the writ petition.

Mr. K. Jagat, learned Government Advocate prayed for granting some time to get necessary instructions for filing appropriate counter affidavits.

After hearing the learned counsel appearing for the parties and after perusal of the record of the present case, this Court is satisfied that a prima facie case has been made out for passing an interim order and accordingly, it is directed that till the next date the operation of the impugned order dated 08.02.2021 appointing the respondent No. 5 as Head Master in-charge of the Tangjeng Ningthou High School shall remain stayed.

List this case again on 08.06.2021.

Copy of this order be furnished to the learned counsel appearing for the parties through their respective Whatsapp/e-mail.

JUDGE

Lhaineichong