

W.P. (C) No. 678 of 2018

Okram Indrani Devi

... Petitioner

- Versus -

State of Manipur

... Respondent

**B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

ORDER

06.11.2025

[1] Heard Mr. S. Rupachandra, learned sr. counsel assisted by Md. Shahidur Rahman, learned counsel on behalf of the petitioner and Mr. Y. Ashang, learned GA assisted by Mrs. R.K. Emily, learned Dy. GA on behalf of the State respondent.

[2] The original writ petitioner was initially appointed as Lecturer in Physical Education, Health Education & Sports vide order dated 29.11.2025 issued by the Principal, D.M. College of Science, Imphal. Thereafter, the petitioner was promoted to the post of Assistant Professor/ Lecturer (Sr. Scale) vide order dated 04.08.2008 along with other persons and the Sr. Scale for the petitioner w.e.f. 14.02.2005. Thereafter, the petitioner submitted a joint representation dated 08.11.2016 to the 1) Commissioner/ Secretary, Higher & Technical Education, Govt. of Manipur, Imphal, 2) Director, Higher & Technical Education, Govt. of Manipur, Imphal, 3) Commissioner/ Secretary (Finance), Govt. of Manipur, Imphal & 4) Accountant General (A&E), Manipur, Imphal for fixation/ modification for dates of sr. scale as well as selection grade scale. Thereafter, the petitioner also submitted an application dated 08.05.2018 to the Director, University and Higher Education, Govt. of Manipur, Imphal for placement to sr. scale and selection grade which is going to be retired on 31.07.2018. Then the petitioner approached this Court by way of writ petition

being W.P. (C) No. 467 of 2018 inter-alia praying for consideration of pending writ petition and vide order dated 20.06.2018, the W.P. (C) No. 467 of 2018 was disposed of by directing the authorities to consider the case of the petitioner for promotion to the higher grade of selection grade as per law.

[3] In compliance of the order dated 20.06.2018 in W.P. (C) No. 467 of 2018, the Commissioner (Higher & Tech. Edn.), Govt. of Manipur issued an impugned order dated 17.07.2018 thereby, rejecting the petitioner for promotion to the selection grade as he has not submitted relevant documents showing satisfying the requirements for placement in the selection grade. Being aggrieved by the said impugned order, the petitioner filed the present writ petition being W.P. (C) No. 678 of 2018.

[4] Since, the petitioner expired during the pendency of the writ petition, Smt. Okram Indrani Devi, wife of the petitioner has been brought on record as LR of the deceased original petitioner.

[5] Vide letter dated 23.02.2010, the Principal of the D.M. College of Science, Imphal forwarded the Appraisal report and application to the Director (Univ. & Hr. Edn.), Govt. of Manipur, for consideration.

[6] Mr. S. Rupachandra, learned sr. counsel for the petitioner draws the attention of this Court to the additional affidavit dated 24.07.2025 filed by LR of the petitioner bringing all record and certain documents. It is submitted that after promotion to the sr. scale w.e.f. 14.02.2005, the petitioner attended 2 (two) refresher courses in the year 2008 & 2009. In the certificate issued by the North-Eastern Hill University, Shillong certified that the writ petitioner attended the refresher course from 26.02.2008 to 26.03.2008 and obtained grade- 'B' and in the certificate issued by Aligarh Muslim University, Aligarh indicating the petitioner attended refresher course from 31.12.2008 to 21.01.2009 and obtained grade- 'A'. It is stated that the petitioner had attended 2(two) refresher courses after the placement in the sr. scale and as such he is eligible for consideration/ promotion to the next scale of Reader/ Selection grade.

[7] Mr. S. Rupachandra, learned sr. counsel for the petitioner refers to the UGC Regulations, 2000 issued in March, 2000 regarding Minimum Qualifications for Appointment and Career Advancement of Teachers in Universities and Colleges and the relevant portions is reproduced herein below:

"2.3.0 Lecturer (Selection Grade)

Lecturers in the Senior Scale who do not have a Ph.D. degree or equivalent published work, and who do not meet the scholarship and research standards, but fulfil the other criteria given above for the post of Reader, and have a good record in teaching and, preferably, have contributed in various ways such as to the corporate life of the institution, examination work, or through extension activities, will be placed in the Selection Grade, subject to the recommendations of the Selection Committee which is the same as for promotion to the post of Reader. They will be designated as Lecturers in the Selection Grade. They could offer themselves for fresh assessment after obtaining Ph.D. and/or fulfilling other requirements for promotion as Reader and, if found suitable, could be given the designation of Reader.

2.4.0 READER (PROMOTION)

2.4.1 *A Lecturer in the Senior Scale will be eligible for promotion to the post of Reader if she/he has:*

- (i). Completed 5 years of service in the Senior Scale;*
- (ii). Obtained a Ph.D. degree or has equivalent published work;*
- (iii). Made some mark in the areas of scholarship and research as evidenced e.g. by self-assessment, reports of referees, quality of publications, contribution to educational innovation, design of new courses and curricula and extension activities.*
- (iv). After placement in the Senior Scale participated in two refresher courses/summer institutes of approved duration, or engaged in other appropriate continuing*

education programmes of comparable quality as may be specified or approved by the University Grants Commission, and

(v). Possesses consistently good performance appraisal reports.

2.4.2 *Promotion to the Post of Reader will be through a process of selection by a Selection committee to be set up under the Statutes/Ordinances of the concerned University or other similar Committees set up by the appointing authorities."*

[8] It is submitted that the requirement of Ph.D. degree is not a requirement for promotion to the Selection grade and if the Lecturer of Sr. scale is published equivalent work.

[9] Mr. S. Rupachandra, learned sr. counsel for the petitioner submits that in terms of the 'para 2.3.0' & 'para 2.4.0', the petitioner who has attended 2(two) refresher courses after placement in sr. scale and having the required length of service and having published equivalent work is eligible for promotion to the selection grade/reader.

[10] In the circumstances, the impugned order dated 17.07.2018 issued by the Commissioner (Higher & Tech. Edn.), Govt. of Manipur has been issued without considering the UGC guidelines of 2000.

[11] On the other hand, Mr. Y. Ashang, learned GA submits that referring to 'para 2.4.0' of the UGC guidelines 2000, 5(five) requirements as sr. scale reader to be eligible for Reader / Selection grade and the same is reflected above. It is further submits that at the time of appraisal, the petitioner has failed to submit 2(two) refresher courses and also Ph.D. degree or equivalent published work/publication. In the circumstances, the impugned order issued to the petitioner has not satisfied all the 5(five) requirements.

[12] This Court has perused the materials on record including the UGC guidelines 2000. The position is not disputed for the 5(five) requirements under the 'para 2.4.0 of the UGC guidelines 2000. There are 5(five) requirements for

promotion of the Sr. scale Lecturer to the post of Reader/ Selection grade. Admittedly, the petitioner has completed the 5(five) years service in the Sr. scale on the date of the impugned order dated 17.07.2018.

[13] Mr. S. Rupachandra, learned sr. counsel for the petitioner submits that as per 'para 2.4.1' of the UGC guidelines 2000, the petitioner seems to be lacking only the requirement of 'para 2.4.1 (ii)' obtained Ph.D degree or equivalent publication and LR of the petitioner may be permitted to submit necessary documents.

[14] Mr. Y. Ashang, learned GA submits that the writ petitioner has not submitted the requisite documents so the LR of the writ petitioner may submit all the relevant documents.

[15] This Court has perused the materials on record and gone through the UGC guidelines 2000 with respect to the promotion and academic carrier precaution of the Lecturer, Reader and Professor.

[16] 'Para 2.4.1' of the UGC guidelines 2000 prescribes 5(five) requirements for the Sr. Lecturer in Sr. scale for promotion in Reader/ Selection grade and the same is reflected above.

[17] On perusal of the documents filed along with the writ petition, there is only 1(one) certificate for refresher course. In the writ petition, no document for attending refresher course for placement in the Sr. scale was produced and no document regarding equivalent publication or equivalent work. Later on, the LR of the writ petitioner filed additional affidavit dated 24.07.2025 thereby, documents 'M/6, M/7, M/8 & M/9' which are the certificates of attending refresher courses in i) Mangalore University w.e.f 3.02.2003 to 26.02.2003, ii) Lakshmibai National Institute of Physical Education, Gwalior (M.P.) w.e.f. 25.01.2005 to 14.02.2005, iii) North-Eastern Hill University, Shillong w.e.f. 26.02.2008 to 26.03.2008 & iv) Aligarh Muslim University, Aligarh w.e.f. 31.12.2008 to 21.01.2009. 'M/6 & M/7' are the certificates for attending refresher courses prior to placement in Sr. scale. Hence, these 2(two) certificates cannot be considered for placement in the Selection grade/ Reader as the requirement

under 'para 2.4.1' is refresher course after placement in the Sr. scale. 'M/8 & M/9' certificates issued by North-Eastern Hill University, Shillong and Aligarh Muslim University, Aligarh in the years 2008 & 2009 are admittedly after placement of the petitioner in the Sr. scale. Hence, the requirement of 'para 2.4.1 (iv)' of the UGC guidelines 2000 is satisfied by the petitioner.

[18] This Court is of the view that the petitioner is lacking only in fulfilling the criteria in 'para 2.4.1 (ii)' of having Ph.D degree or equivalent published work.

[19] However, whether the original writ petitioner was a Ph.D degree holder or published equivalent work is not found from the records of the case. 'Annexures- M/7, M/8 & M/9' of the additional affidavit dated 24.07.2025 filed by the LR of the writ petitioner establishes that after placement of the original writ petitioner in the Sr. scale w.e.f. 25.01.2005 to 14.02.2005, the writ petitioner undergone 2(two) refresher courses in the years 2008 & 2009 from the North-Eastern Hill University, Shillong and Aligarh Muslim University, Aligarh. There is no dispute about the other qualifications, the only requirement to be satisfied by the writ petitioner is whether he is Ph.D degree holder or published equivalent work in terms of the 'para 2.4.1 (ii)' of the UGC guidelines 2000. In the circumstances, the impugned order dated 17.07.2018 issued by the Commissioner (Higher & Tech. Edn.), Govt. of Manipur rejecting the representation of the original writ petitioner for promotion to the Selection grade/Reader is set aside giving liberty to the LR of the writ petitioner to place all materials as required in terms of 'para 2.4.1 (ii)' of the UGC guidelines 2000 to examine whether the original writ petitioner was a Ph.D degree holder or has equivalent published work.

[20] In the circumstances, the LR of the writ petitioner may submit relevant documents with respect to Ph.D. degree or equivalent published work or any other documents to the Director, Higher & Technical Education, Govt. of Manipur within a period of 1(one) month and the representation of the writ petitioner shall be considered within a period of 2(two) months from the date of receipt of the necessary documents from the LR of the petitioner.

[21] This Court is of the view that the only requirement to be examined is a Ph.D degree holder or equivalent published work in terms of 'para 2.4.1(ii)' of the UGC guidelines 2000.

[22] In the circumstances, the W.P. (C) No. 678 of 2018 is allowed with the aforesaid directions. No cost.

JUDGE

Thoiba