

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

**MC (WP(C)) 331 of 2023** with  
MC (WP(C)) No.191 of 2023 with  
WP(C) No.501 of 2023

State of Manipur & Anr

... Applicants

-Versus-

Yumnam Bihari Singh  
& Anr

... Respondents

**BEFORE**

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

06.02.2024

Present Mr.N.Kumarjit, learned senior counsel assisted by Mr.Zequeson, learned counsel on behalf of the petitioner in WP(C) No.501 of 2023, Mr.Y.Ashang, learned Government Advocate for respondent Nos.1 and 2 and Mr.H.S.Paonam, learned senior counsel assisted by Ms.Harichhaya, learned counsel for private respondent No.3.

[2] Vide order dated 18.07.2023, this Court directed to maintain status quo as to the In-charge Principal of Mayai Lambi College and the interim order has been extended from time to time.

[3] The State respondent has filed an application being MC (WP(C)) No.331 of 2023 in WP(C) No.501 of 2023. It is stated in para 3 of the application that both the petitioner and private respondent No.3 are ineligible for consideration as regular Principal and in view of the interim order dated 18.07.2023, the State Government could not make regular appointment of Principal of Mayai Lambi College. The contents of para 3 is reproduced below:

"3. That because of this litigation and pending the matter before the Hon'ble Court for adjudication, the smooth functioning of the said college has been seriously affected inclusive of administrative functioning and academic atmosphere. Thus the situation, the Government after in-depth consideration of the matter, has taken a decision for posting either regularly appointed Principal or a Professor having eligibility criteria equivalent to that of regular Principal as per UGC Regulation at Mayai Lambi College by replacing both the writ petitioner and the Private Respondent No.3 as they are not eligible for the post of regular Principal This decision was taken in the interest of administrative and academic well-being of the said college and its student. It is also made in consonance of the Office Memorandum dated 3.10.2020 issued by the Personnel Division Department, Government of Manipur regarding in-charge arrangement."

[4] It is prayed that the interim order may be modified or vacated so as to enable the State respondent to make appointment of regular Principal or some arrangements for Mayai Lambi College.

[5] Mr.N.Kumarjit, learned senior counsel opposes the application saying that the Government has not indicated any concrete decision or steps taken with regard to appointment of regular Principal but the application is filed to accommodate some other person. However, Mr.N.Kumarjit, learned senior counsel has clarified that the petitioner cannot oppose appointment of any regular Principal as per Rules.

[6] On the other hand, Mr.H.S.Paonam, learned senior counsel for private respondent No.3 submits that the process of the State Government to regular appointment cannot be questioned but the contents of para 3 in the application seems to be replacement of one In-charge by another In-charge. However, it is clarified that

process for appointment of regular Principal or by way of transfer of Principal on regular basis may be undertaken.

[7] This Court has considered the submissions made by learned counsel at the Bar and materials on record. On mere perusal of para 3 of the application, it is seen that the Government has contemplated to make appointment of regular Principal by way of transfer of a regular Principal or an alternative arrangement of Professor having eligibility criteria as per UGC Regulation.

[8] Without expressing any opinion on the eligibility of the petitioner as well as the private respondent No.3 for appointment to the post of Principal, the State Government is permitted to initiate process for appointment of a regular Principal or by way of transfer as per UGC Regulation for Mayai Lambi College.

[9] It is further clarified that the interim order dated 18.07.2023 shall not be an impediment to the Government in exercising the above process.

[10] With this observation, the MC (WP(C)) No.331 of 2023 is disposed of.

[11] The main WP(C) No.501 of 2023 and MC (WP(C)) No.191 of 2023 be listed on 29.02.2024.

[12] Furnish a copy of this order to learned counsel for the parties.

Earlier interim order is extended till the next date.

JUDGE