

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

W.P.(C) No.661 of 2023

KM. YUMNAM INDUBALA DEVI

....*Petitioner/s*

- Versus -

STATE OF MANIPUR AND 4 OTHERS

...*Respondent/s*

With MC[W.P.(C)] No.259 of 2023

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

ORDER

04.10.2023

[1] Heard Mr. N. Ibotombi, learned senior counsel assisted by Ms. Babina, learned counsel on behalf of the petitioner.

[2] Issue notice.

[3] Mrs. Ch. Sundari, learned GA accepts notice on behalf of Respondent Nos.1 to 4 and hence, no formal notice is required in connection with these respondents.

[4] The petitioner is directed to take step with respect to respondent No.5 by speed post returnable within 3(three) weeks and the petitioner is directed to file an affidavit of proof of service of notice upon respondent No.5.

[5] Mr. N. Ibotombi, learned senior counsel for the petitioner prays for staying the impugned order of suspension dated 03.08.2023 issued by respondent No.5.

[6] It is submitted that the petitioner is a graduate teacher under the Khurai Sajor Leikai High School (Aided), Imphal East, Manipur and vide resolution No.2 dated 04.03.2023 of the School Managing Committee which was subsequently confirmed vide resolution No.4 of the School Managing Committee taken on 15.03.2023, the petitioner's service was terminated vide order dated 18.04.2023. Thereafter, the petitioner preferred an appeal before the Director of Education(S), Government of Manipur under Rule 6 and 9 of the Government Aided Private School Teachers (Discipline, Punishment and appeal) Rules (Chapter IX Section III) for setting aside the order dated 18.04.2023 issued by the Secretary, School Managing Committee, Khurai Sajor Leikai High School. Vide letter dated 14.06.2023, the Director of Education(S), Government of Manipur directed the Zonal Education Officer, Zone-II, Imphal East to pass appropriate order and expressed that resolution No.2 of the School Managing Committee debarring the jurisdiction of the Court was illegal. Vide letter dated 23.06.2023 issued by the Zonal Education Officer, Zone-II, Imphal East to the School Managing Committee (Respondent No.5) also informed to pass an appropriate order in terms of the direction of the Director of Education(S), Government of Manipur. Thereafter, vide order dated 03rd August, 2023 passed by the respondent No.5, the order of termination of the petitioner has been replaced by an order of suspension.

[7] Mr. N. Ibotombi, learned senior counsel for the petitioner submits that the impugned suspension order has been passed in pursuance to the resolution No.3 of the School Managing Committee taken on 01st August, 2023. It is reiterated that the suspension order is for violation of resolution Nos.2 and 4 and the learned senior counsel for the petitioner has pointed out that the same has been held as violative of the fundamental right by the Director of Education(S), Government of Manipur. In substance, the learned senior counsel for the petitioner submits that the ground for suspension is on the basis of extraneous consideration and as the same has been held as illegal by the Director, Education(S), Government of Manipur and prayed that the suspension order be stayed till the disposal of the writ petition.

[8] Recording the submission, the impugned suspension order dated 03rd August, 2023 is stayed till the next date.

[9] List on 06th November, 2023.

[10] A copy of this order be furnished to the learned counsels appearing for the parties.

JUDGE