

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

MC (W.A.) No. 174 of 2022

[Ref: W.A. No. 108 of 2022]

State of Manipur; & Ors.

Appellants

Vs.

Thounaojam Priyoranjan; & Ors.

Respondents

BEFORE
**HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

09.11.2022.

Sanjay Kumar (C.J.):

By way of this miscellaneous case, the State of Manipur and its authorities, the appellants in W.A. No. 108 of 20223, seek interim stay of the operation of the order appealed against, viz., the order dated 08.06.2022 passed by a learned Judge of this Court in W.P. (C) No. 178 of 2021.

Heard Ms. Ch. Sundari, learned Government Advocate, appearing for the applicants/appellants; and Mr. Anjan Prasad Sahu, learned counsel for the respondents.

Perusal of the record reflects that the order dated 30.01.2021 passed by the District Board of Education, Imphal East District, Manipur, impugned in the writ petition, clearly set out the reasons for cancellation of the irregular appointments made to the teaching and non-teaching posts in the Residential School at Imphal East. It appears that a meeting was held on 24.09.2012 at the residence of the Member of the Legislative Assembly (MLA) and a resolution was passed to form an Adhoc Committee for the school. All the members who were present in the said meeting were nominated as the members of the Adhoc Committee. However,

without any separate proceedings of the said Adhoc Committee and without following any procedure known to law for filling up the posts, the committee that met on 24.09.2012 straightaway recommended the persons to be appointed to the teaching and non-teaching posts in the said school.

The order dated 30.01.2021 reflects that the meeting held on 24.09.2012 was illegal in its very inception as it ought to have been chaired by the District Project Manager (DPM) and not by the Member of the Legislative Assembly (MLA).

In any event, this Court finds, *prima facie*, that there was arbitrariness in the appointments made without due procedure being followed and unless the issue is examined at length, the order under appeal cannot be given effect to.

There shall accordingly be interim stay of the operation of the order dated 08.06.2022 passed in W.P. (C) No. 178 of 2021 pending further orders.

Post on 24.01.2023.

Sandeep

JUDGE

CHIEF JUSTICE