

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

WP(C) No.1045 of 2019

Sureiya Shahni

... Petitioner

-Versus-

JNIMS

... Respondents

**BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**
23.9.2025

Heard Mr.Ajmal Hussain, along with Ms.Bashei Roja Shahni, learned counsel for the petitioner and Mr.Th.Sukumar, learned Government Advocate for the State and Mr.T.Rajendra, learned senior counsel assisted by Mr.Vikas Sharma, learned counsel for the private respondents.

[2] Mr.Ajmal Hussain, learned counsel for the petitioner submits that the petitioner is an OBC (MP) candidate. In the Advertisement dated 28.5.2016 total 219 seats of Staff Nurse was advertised by the JNIMS, out of this 11 seats were reserved for OBC (MP). In the final select list dated 31.12.2016, 256 candidates were recommended and appointed as Staff Nurse. The petitioner came to know about it in the year 2019 through RTI application and she was the 11th candidate under OBC (MP) category.

In the select list only 8 recommended OBC (MP) were appointed against the 11 seats advertised. However, due to intervention of this Court, two more OBC (MP) candidates were adjusted and as on today no candidate has been appointed as Staff Nurse under OBC (MP) category for the 11th seat advertised.

[3] Learned counsel for the petitioner also submits that against the 219 advertised posts of Staff Nurse 256 candidates were appointed thereby increasing 37 candidates. In spite of the increase in the total number of seats for appointment, eleven seats reserved for OBC (MP) against 219 seats have not been filled up till date. Since the petitioner is the 11th candidate in the OBC (MP) category she should have been included in the select list published on 31.12.2016. At this stage, Mr.Ajmal Hussain, learned counsel for the petitioner, on instruction, submits that she is giving up the challenge to the appointments of respondent Nos.4, 5 and 6 and confining to the prayer for her appointment against the 11th seat of the OBC (MP) category.

[4] Mr.Th.Sukumar, learned Government Advocate has raised the point of maintainability of the writ petition on the ground of delay and also on merit. It is submitted that appointment was completed in the year 2016 and writ petition has been filed in the year 2019 and period of three years has not been explained properly. On merit, it is submitted that the petitioner has not challenged the selection procedure and in the select list petitioner is not included and life span of the wait list has expired. As such, the petitioner has no right to be appointed against the 11th seat as prayed for.

Learned Government Advocate also pointed out that if the petitioner is appointed against the 11th seat for OBC (MP) the fate of one of the earlier appointed candidates will be disturbed and it will unsettle the position that attained finality in the year 2016.

[5] This Court has considered the limited prayer of the petitioner for her appointment against the 11th seat earmarked for OBC (MP) in the original advertisement and giving up prayer to challenge the appointments of respondent Nos.4 to 6.

Regarding the objection to the plea of delay and laches it may be noted that the appointment was made on 31.12.2016 and as per direction of the Court, two more appointment was made against the two seats of OBC (MP) in the year 2019. As per the RTI reply dated 19.10.2019, petitioner came to know about her position as the 11th candidate in the OBC (MP) category and hence the writ petition filed on 18.12.2019 is within the two months from the date of knowledge of her status of being 11th candidate in the OBC (MP) category. In the circumstance, the plea of delay and laches is rejected. It is also seen that in the advertisement dated 18.5.2016, total 219 seats of Staff Nurse were advertised, out of which 11 seats were reserved for OBC (MP) and whereas in the final select list, 256 candidates were recommended and appointed vide order dated 31.12.2016 thereby 37 more candidates were appointed against 219 advertised seats. Amongst the 256 candidates only 8 candidates from OBC (MP) were appointed and on the intervention of the Court, two more seats have been filled up thereby one seat remains out of the 11 original advertised seats to be filled up.

[6] This Court does not find any merit in the submission of learned Government Advocate to the extent that seats can be increased or decreased as per requirement. When total seat is increased to 37, the original reserved seat advertised for OBC (MP) should not be reduced or the same number should be maintained.

It will be in the interest of justice if this Court directs the respondent/JNIMS to appoint the petitioner against the remaining 11th seat of OBC (MP) originally advertised. If no vacant seat is available, the State Government shall create one supernumerary post for the petitioner against the 11th seat reserved for OBC (MP). Appointments of respondent Nos.4, 5 and 6 or any other candidates against the 11th seat reserved for OBC (MP) is protected.

[7] The direction shall be completed within a period of three months from the date of receipt of copy of this order.

It is clarified that this order is passed in the peculiar circumstance of the present case and in order to do complete justice to the parties and shall not be precedent in future. The petitioner shall not claim seniority over the earlier appointed candidates.

Send a copy of this order to the Director, JNIMS for information and necessary compliance.

JUDGE

Priyojit