

---

**(2006) 03 GAU CK 0044**  
**In the Gauhati High Court**

A.K.Nandalala Singh

APPELLANT

Vs

State of Manipur and Ors.

RESPONDENT

---

**Date of Decision :** 08-03-2006

**Acts Referred:**

**Citation :** (2006) 03 GAU CK 0044

**Hon'ble Judges :** T.Nanda Kumar Singh, J

**Bench :** Single Bench

**Advocate :** Santa Khaidem, R.S.Reisang, Advocates appearing for Parties

---

## Judgement

1. Heard Mr. Santa Khaidem, learned counsel for the petitioner and Mr. R.S. Reisang, learned G.A. appearing on behalf of all the respondents 1,2 & 3.

2. The simple prayer sought for in the present writ petition is that a direction may be made to the respondents to fill up the vacant post of District Youth Affairs and Sports Officers in the Directorate of Youth Affairs and Sports, Govt. of Manipur according to the relevant recruitment rules. Petitioner has sought the said relief basing on the fact that the petitioner was appointed initially in the year 1984 as Coach (Khokho) in the Directorate of Youth Affairs and Sports. However, he was promoted to the post of District Youth Affairs & Sports Officer, Tamenglong District on incharge basis under the order of the Government of Manipur being No.2/1/2003YAS/S, Imphal, the 17th October, 2003. It is said that the petitioner is still continuing as District Youth Affairs and Sports Officer on incharge basis since 17.10.2003 till date.

3. The Governor of Manipur in exercise of the powers conferred by proviso to Article 309 of the constitution of India makes rules regulating the method of recruitment to the post of District Youth Affairs and Sports Officer called 'the Department of Sports, Physical Education and Youth Services, Manipur (District Sports Officer) Recruitment Rules, 1982'. It is said that later on the District Youth Affairs and Sports Officer was redesignated as District Youth Affairs & Sports Officer. According to the said recruitment rules for the post of District

Youth Affairs and Sports Officer of 1982 the posts of District Youth Affairs and Sports Officer are to be filled up cent percent by promotion from Superintendent of Physical Education/Coach/ Junior Youth Officers with 5 years" regular service in the grade. It is said that the Junior Youth Officer was later on redesignated as Youth Officers. The petitioner is retiring on superannuation in the year 2007. It is also the case of the petitioner that the right to be considered for promotion of a government employee is now fairly well settled and the Apex Court in a catena of cases held that it is a fundamental right of the employee provided (i) the concerned employee is eligible under the recruitment rule; (ii) he is within the zone of consideration; (iii) there is a vacancy in the promotional post.

4. The learned counsel appearing for the petitioner submits that there are vacancies in the promotional post, i.e. District Youth Affairs & Sports Officer, in the Directorate of Youth Affairs & Sports, Govt. of Manipur inasmuch as the petitioner is occupying one post of District Youth Affairs & Sports Officer on incharge basis. But, due to non consideration of the case of the petitioner for appointment by promotion to the said post of District Youth Affairs & Sports Officer according to the relevant recruitment rules, the petitioner is continuing as District Youth Affairs & Sports Officer on incharge basis.

5. Keeping in view of the above discussions, this writ petition is disposed of by directing the respondents to consider the case of the petitioner along with the other eligible candidates for appointment by promotion to the post of District Youth Affairs & Sports Officer according to the relevant recruitment rules as and when vacancy is filled up so as to enable the petitioner to retire on superannuation after considering his right to be considered for promotion to the higher post.

6. With the above observation and direction, the writ petition is disposed of.