

(2026) 03 MAN CK 0986

In the Manipur High Court

Case No : Writ Appeal No. 24 Of 2025, Miscellaneous Case (WA) No. 54, 80 Of 2025

Akoijam Bobby Singh & Ors

APPELLANT

Vs

State Of Manipur & Ors

RESPONDENT

Date of Decision : 10-03-2026

Acts Referred:

Citation : (2026) 03 MAN CK 0986

Hon'ble Judges : M. Sundar, CJ;A. Bimol Singh, J

Bench : Division Bench

Advocate : Amarjit Naorem, Phungyo Zingkhei, RK. Umkanta, L. Raju, Paonam Beti, Momota Oinam

Final Decision : Partly Allowed

Judgement

M. Sundar, CJ

[1] Captioned 'writ appeal' ('WA' for the sake of brevity) is an intra Court appeal assailing an order dated 27.12.2024 (made in W.P.(C) 540 of 2022 along with MC[W.P.(C)] No. 207 of 2023 thereat) by a Hon'ble Single Bench (hereinafter 'impugned Single Bench order' for the sake of convenience and clarity). There were 10 writ petitioners before the Hon'ble Single Bench that the impugned Single Bench order was made; 6 (six) out of 10(ten) writ petitioners have filed the captioned WA assailing the impugned order.

[2] Mr. Amarjit Naorem, learned counsel on record for all the appellants, Mr. Phungyo Zingkhei, learned State counsel led by Mr. RK. Umakanta, learned senior advocate for 'respondent No. 1' ('R-1' for the sake of convenience and brevity), Mr. L. Raju, learned counsel on record for 'respondent No. 2' ('R-2' for the sake of convenience and brevity) {private respondent} and Ms. Paonam Beti, learned counsel for 'respondent No. 3' ('R-3' for the sake of convenience and brevity) led by Ms. Momota Oinam, learned senior advocate are before this Court.

[3] Captioned main WA was heard out with the consent of all the afore-referred

learned counsel and learned senior counsel.

[4] Factual matrix in a nutshell is that an 'order dated 08.07.2022 bearing reference No. 5/30/2018-Case/L/1 made by State' ('impugned executive order' for the sake of convenience and clarity) was assailed by writ petitioners before Hon'ble Single Bench; that in and vide impugned executive order, State had regularized contractual appointments of one Shri Moirangthem Raichand as Special Public Prosecutor and one Shri A. Neelakumar Singh as Additional Public Prosecutor (District) [to be noted, Shri A. Neelakumar Singh is R-2 before this Court and was also R-3 before the Hon'ble Single Bench]; that the case of writ petitioners is that they are now working as regular Assistant Public Prosecutors since 2016, they are eligible and entitled to be considered for promotion to the post of Additional Public Prosecutor (District); that as per 'Recruitment Rules' ('RR' for the sake of convenience and brevity), Additional Public Prosecutor is a promotional post and feeder post for promotion to the post of Additional Public Prosecutor is Assistant Public Prosecutor, promotion is first option and only in the absence of suitable candidates for promotion, direct recruitment can be resorted to; that owing to impugned executive order made by State, the promotional prospects of the writ petitioners have been blocked; that in the writ petition, writ petitioners have made a limited challenge to the impugned executive order (order dated 08.07.2022) i.e., 'in so far as' it regularizes R-3 as Additional Public Prosecutor; that as regards regularization of Shri Moirangthem Raichand as Special Public Prosecutor, the same has not been assailed as it does not affect the promotional prospects of the writ petitioners; that the State contended that R-3 has been engaged as Additional Public Prosecutor cum Additional Government Advocate (District) on contract basis on and from 23.10.2019; that thereafter R-3 was regularized vide the impugned executive order but this regularization was kept in abeyance by an order dated 01.08.2022 bearing reference No. 5/30/2018-Case/L; that owing to regularization of R-3 as Additional Public Prosecutor being kept in abeyance, the State is unable to consider R-3 for being regularized as Special Public Prosecutor; that R-3 contended that there will be no grievance for R-3 if he is regularized as Special Public Prosecutor instead of Additional Public Prosecutor; that on these contentions of the parties, Hon'ble Single Bench heard out and rendered the impugned Single Bench order; that in and vide the impugned Single Bench order, Hon'ble Single Bench has modified the impugned executive order i.e., order dated 08.07.2022 directing the State to regularize R-3 as Special Public Prosecutor with effect from 08.07.2022; that in the impugned order, the date reads as 18.10.2022 which is a typographical error and the same has been corrected by a subsequent order dated 07.01.2025; that Hon'ble Single Bench in and vide impugned order made it clear that if the post of Special Public Prosecutor is not available on the relevant date i.e., 08.07.2022, State shall create a super numerary post of Special Public Prosecutor for appointing R-3 in that slot; that while modifying impugned executive order, Hon'ble Single Bench had made it clear that it is not quashing the impugned executive order implying

that it is only modifying the impugned executive order; that the writ petitioners filed captioned WA i.e., intra Court appeal along with MC(WA) No. 54 of 2025 thereat and in and vide an interim order dated 25.07.2025 the impugned Single Bench order has been stayed by predecessor Division Bench; that this interim stay is operating; that under such circumstances, captioned WA is heard out today with the consent of all afore-referred learned counsel and senior counsel.

[5] Before proceeding further, this Court deems it appropriate to record that captioned MC(WA) No. 80 of 2025 has been taken out by R-3 with a prayer to dismiss the captioned WA as not maintainable solely on the ground that the impugned order is a consent order.

[6] In the hearing today, learned counsel for appellants contended that there was no consent, consent was not given and R-3 is now continuing as Additional Public Prosecutor cum Additional Government Advocate (District) construing the impugned Single Bench order as one that has not quashed/set aside the impugned executive order.

[7] As regards R-1 State, learned senior counsel very fairly submitted that State has not filed any appeal i.e., intra Court appeal against the impugned Single Bench order. As regards the implementation of the impugned Single Bench order, it was submitted that the matter is subjudice, captioned WA is pending, interim order is operating and only this has deterred and detained State from implementing the same.

[8] As regards R-2, learned senior counsel very fairly submitted that Manipur Public Service Commission ('MPSC' for the sake of convenience and brevity) is a formal party, State has the option of consulting the MPSC if it chooses to do so and beyond that MPSC really does not have a say in the captioned WA.

[9] As regards R-3 (private respondent) as already alluded to supra, Mr. L. Raju, learned counsel on record for R-3 very fairly submits that there is no grievance for R-3, if R-3 is regularized as Special Public Prosecutor instead of Additional Public Prosecutor.

[10] In the light of narrative thus far, it emerges clearly that the impugned Single Bench order is not a consent order. The reason is, prayer of the writ petitioners is very clear that writ petitioners have assailed the impugned executive order i.e., 08.07.2022 order only 'in so far as' it regularizes R-3 as Additional Public Prosecutor (District). Hon'ble Single Bench has only considered the limited prayer of the writ petitioners and answered the same. Hon'ble Single Bench has only recorded stated position of the writ petitioners that they have challenged the impugned executive order only with regard to regularization of R-3 as Additional Public Prosecutor cum Additional Government Advocate (District) and has recorded the sequitur that the petitioners do not have any grievance if R-3 is regularized as Special Public Prosecutor. To be noted, learned counsel for appellants makes it clear that this continues the stated position of the appellants. Therefore, the impugned order cannot be considered as consent

order much less can the contents of paragraph No. 12 thereat be construed as consent as it only records the stated position of the writ petitioners and sets out the sequitur. To put it differently, the impugned Single Bench order has only considered the limited prayer of the writ petitioners and answered the same. In this view of the matter, MC(WA) No. 80 of 2025 pales into significance and the same can be given a closure.

[11] Reverting to the main WA and captioned MC thereat, the entire matter turns on a very narrow compass. The State has given quietus to the impugned Single Bench order. The State has not been able to implement the impugned order only owing to the appeal, pendency of the appeal and owing to the interim order operating in the captioned WA.

[12] The difficulty if at all and if that be presents itself in the form of paragraph No. 17 in the impugned order as Hon'ble Single Bench has observed that it is not inclined to quash the impugned executive order which regularized R-3 as Additional Public Prosecutor cum Additional Government Advocate. To be noted, paragraph No. 17 of impugned Single Bench order reads as follows:

'[17] In the peculiar facts and circumstances of the present case, this Court does not incline to quash the regularization of the respondent No. 3 as Addl. PP-cum-GA(D). Accordingly, this Court modified the regularization of the respondent No. 3 to the post of Addl. PP-cum-Addl. GA(D) as that to the post of Spl. PP wef 18.10.2022. If post of Spl. PP is not available on the relevant date, State respondents may create supernumerary post of Spl. PP. With this direction and observation, the writ petition is disposed of. Interim orders merge with final order and misc. application, if any, are disposed of.'

In this regard, for the sake of specificity, we clarify that the impugned Single Bench order does not uphold the regularization of R-3 as Additional Public Prosecutor cum Additional Government Advocate (District). On the contrary, it has modified the impugned executive order making it clear that R-3 should be regularized as Special Public Prosecutor. This means that impugned executive order has been modified in so far as it regularizes R-3 as Additional Public Prosecutor (District) making it clear that State can regularize R-3 as Special Public Prosecutor with effect from 08.07.2022. The impugned Single Bench order further makes it clear that if no Special Public Prosecutor post is available, State shall create a supernumerary post and appoint R-3 in that super numerary post. Be that as it may, for the sake of further clarity, we deem it appropriate to make this order by way of an adumbration with specificity and the same is as follows:

(i) The impugned executive order being order dated 08.07.2022 bearing reference No. 5/30/2018-Case/L/1 is set aside in so far as it regularizes R-3 as Additional Public Prosecutor cum Additional Government Advocate (District);

(ii) Direction qua impugned order of Hon'ble Single Bench directing State to regularize R-3 as Special Public Prosecutor with effect from 08.07.2022 is confirmed;

(iii) Further direction of Hon'ble Single Bench directing State to regularize R-3 as Special Public Prosecutor by creating a super numerary post of Special Public Prosecutor if no Special Public Prosecutor slot is available is also confirmed;

(iv) We add that the aforesaid directive of the Hon'ble Single Bench shall now be complied by the State within a period of 1 (one) month from today i.e., on or before 10.04.2026;

(v) We further direct that as regards Additional Public Prosecutor, the vacancies shall be filled up by State as per RR by resorting to promotion by considering for promotion, existing Assistant Public Prosecutors who are eligible. This exercise shall also be completed by the State and the same shall be done within a period of 1 (one) month from today i.e. on or before 10.05.2026.

(vi) We also make it clear that R-3 shall not be disengaged as the clear directive is to regularize R-3 as Special Public Prosecutor and this directive has been given vide the impugned Single Bench order which has not been assailed by the State. To put it differently, State has given legal quietus to the impugned Single Bench order being order dated 27.12.2024 made in W.P.(C) No. 540 of 2022 together with MC[W.P.(C)] No. 207 of 2023 thereat and therefore the State shall only regularize R-3 as Special Public Prosecutor and shall not disengage him in any manner.

[13] As the writ petitioners are in intra Court appeal vide captioned WA, we have also given further directive to the State to complete the exercise of considering for promotion of Assistant Public Prosecutors as Additional Public Prosecutor as per RR within the time frame indicated supra.

[14] Captioned WA allowed in part and disposed of in the aforesaid manner. Captioned, MC(WA) No. 80 of 2025 is dismissed, captioned MC(WA) No. 54 of 2025 is disposed of as having been subsumed by the order in the main WA making it clear that the interim order operating in the main WA now stands vacated. There shall be no order as to costs.