

(2026) 08 MAN CK 0148

In the Manipur High Court

Case No : WP(C) No. 91 of 2026 with MC(WP(C)) No. 99 of 2026

Dr. Bhabeswar Tongbram

APPELLANT

Vs

The State Of Manipur

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Constitution of India

Manipur Technical University Act, 2016 — Section 14(1)

Citation : (2026) 08 MAN CK 0148

Hon'ble Judges : A. Guneshwar Sharma, J

Bench : Single Bench

Advocate : Mr. N. Ibotombi, Ms. Y. Jinita, Mr. M. Devananda, Ms. N. Jyotsana, Dr. RK Deepak, Mr. L. Rajesh

Final Decision : Partly Allowed

Judgement

1. 2001 (1) SCC 582 - Union of India vs K.M. Shankarappa.

Once a quasi-judicial body like the Appellate Tribunal, consisting of a retired Judge of a High Court or a person qualified to be a Judge of a High Court and other experts in the field, gives its decision that decision would be final and binding so far as the executive and the Government is concerned. To permit the executive to review and/or revise that decision would amount to interference with the exercise of judicial functions by a quasi-judicial Board. It would amount to subjecting the decision of a quasi-judicial body to the scrutiny of the executive. Under our Constitution the position is reverse. The executive has to obey judicial orders. (Para 7)

2. 2007(7) SCC 689 - Commissioner, Karnataka Housing Board vs C. Muddaiah

Once a direction is issued by a competent court, it has to be obeyed and implemented without any reservation. If an order passed by a court of law is not complied with or is ignored, there will be an end of the rule of law. If a party against whom such order is made has grievances, the only remedy available to

him is to challenge the order by taking appropriate proceedings known to law. But it cannot be made ineffective by not complying with the directions on a specious plea that no such directions could have been issued by the court. (Para 32)

3. 2011 (6) SCC 535 - Amrik Singh Lyallpuri vs Union of India and Others.

Judicial review is one of the basic features of the Constitution. There cannot be an administrative review of a decision taken by a judicial or a quasi-judicial authority which has the trappings of a court. Since judicial review has been considered an intrinsic part of constitutionalism, any statutory provision which provides for administrative review of a decision taken by a judicial or a quasi-judicial body is, therefore, inconsistent with the aforesaid postulate and is unconstitutional. (Para 17, 23, 27,28)

4. 2003 (4) SCC 399 - People's Union for Civil Liberties vs Union of India.

The legislature has no power to review the decision of the court and set it at naught except by removing the defect which is the cause pointed out by the decision rendered by the Court. If this is permitted it would sound the death knell of the rule of law. (Para 34 to 37)“

[15] The learned sr. counsel for the petitioner also refers to the following citation that when the matter is sub judice before the Court of law, the administrative should not pass an order which is not a subject matter before the Court and the relevant citation is reproduced below:

“B. Case already in sub judice.

1. 2014 (11) SCC 288 - Siemens Aktiengesellschaft and Siemens Limited vs Delhi Metro Rail Corporation Limited and Others.

Once the Government had known that the entire issue regarding the validity of the process adopted by DMRC including the transparency and fairness of the process of evaluation of the bids was sub judice before the High Court of Delhi and later before this Court, it ought to have kept its hands off and let the law take its course. It could have doubtless placed all such materials as was relevant to that question before the High Court and invited a judicial pronouncement on the subject instead of starting a parallel exercise.

The Committee may have not said anything adverse to the view taken by the High Court but if the Committee were to find fault with the evaluation process which the High Court has held to be valid it indirectly amounted to putting a question mark on the judgement of the High Court itself. Suffice it to say that the Government ought to have stayed its hands once the matter landed in the Court. (Para 16, 17, 27 to 29)“.

[16] Before proceeding further, it would be appropriate to record the admitted facts in the present case- (i) the petitioner was appointed as VC of MTU vide order dated 08.11.2021 issued by the Chancellor; (ii) 4(four) writ petitions being WP(C) Nos. 791 of 2021, 805 of 2021, 807 of 2021 & 825 of 2021 were filed before this Court challenging the appointment of the petitioner herein as VC of MTU; (iii) Vide common order dated 27.01.2023, all the 4 writ petitions were allowed and the appointment of petitioner as VC vide order dated 08.11.2021,

was set aside and direction was issued to initiate the process afresh; (iv) Petitioner challenged the finding of the common judgment & order dated 27.01.2023 before the Division Bench of this Court by filing writ appeals being WA Nos. 14, 15, 16 & 21 of 2023; (v) Vide order dated 19.02.2025, the 4 writ appeals were allowed and finding of the Ld. Single Judge in common order dated 27.01.2023 was set aside and writ petitions were remanded for fresh adjudication; (vi) 3(three) writ petitions, being WP(C) Nos. 791 of 2021, 807 of 2021 & 825 of 2021 were dismissed as withdrawn and only WP(C) No. 805 of 2021 was pending before the Ld. Single Judge;

(vii) Petitioner submitted a representation dated 20.02.2025 to the Chancellor for reinstating him as VC of MTU in view of the order of the Division Bench in order dated 19.02.2025 setting aside the order of the Ld. Single Judge in order dated 27.01.2023; (viii) the representation dated 20.02.2025 was disposed of by order dated 22.08.2025 by the Chancellor of MTU holding that the petitioner does not possess requisite qualifications for being appointed as VC of MTU; (ix) Learned Single Judge dismissed the WP(C) No. 805 of 2021 vide order dated 27.10.2025 holding that since the expert committee has examined the eligibility of the petitioner for being appointed as VC of MTU and having found so eligible, the Court does not have any expertise for examining the same by way of judicial review. The effect is that the petitioner has requisite qualifications for being appointed as VC of MTU; (x) in pursuance to the order dated 22.08.2025, Hon'ble Governor issued a letter dated 16.01.2026 directing Administrative Department to conduct an enquiry in a manner of appointment of the petitioner as VC of MTU; and (xi) a notice dated 23.01.2026 was issued by the Commissioner, Higher & Technical Education, Manipur that the petitioner has to appear in person before the enquiry, if so advised.

[17] Vice order dated 06.02.2026 in WP(C) No. 91 of 2026 read with MC(WP(C)) No. 99 of 2026, a co-ordinate Bench of learned Single Judge issued notice and passed an interim order not to proceed further with the enquiry against the petitioner pursuant to the notice dated 23.01.2026 issued by the Commissioner (Hr. & Tech. Education), Government of Manipur till next date. The interim order has been extended from time to time and has been operating till today.

[18] On perusal of the case record, a copy of the Notification dated 12.02.2026 issued by Ningthoujam Geoffrey, Enquiry Officer and Commissioner (Hr. & Tech. Education), Government of Manipur is found amongst the order sheets. The notification lays down the terms of reference of the proposed enquiry. 'Para 2.4' mentions about examining the eligibility criteria as per recruitment. The scanned copy of the Notification dated 12.02.2026 is reproduced for ready reference as below:

[An exhibit is reproduced here in the original judgment.]

[19] This Court carefully perused the sequence of events. On the earlier occasion vide common order dated 27.01.2023 while disposing the 4(four) writ petitions, learned Single Judge of this Court [Coram: Hon'ble Mr. Justice M. V.

Muralidharan] set aside the appointment of the petitioner as VC. However, the finding was reversed by a Division Bench vide order dated 19.02.2025 and remanded the writ petitions to learned Single Judge for deciding afresh on merit. In the second round of litigation, another learned Single Judge of this Court [Coram: Hon'ble Mr. Justice A. Bimol Singh] held that this Court does not intend to interfere with the finding of the expert to the point that the petitioner has requisite qualifications in absence of any patent illegality in the selection procedure. In the counter affidavit of the official respondents, the stand has been taken that the petitioner herein is eligible for being appointed as VC of MTU. However, the MTU has taken a different stand in order dated 22.08.2025 holding that the petitioner does not have requisite qualification. This Court has carefully gone through the contents of the order dated 22.08.2025 issued by Chancellor, MTU and nothing is mentioned about the wrong stand taken in the counter affidavit filed by the MTU or by State respondents. However, the same is made subject matter of the enquiry and a justification is made in the subsequent counter affidavit in this writ petition before this Court.

[20] As on record, there are two contradictory findings about the eligibility of the petitioner for being appointed as VC of MTU- (i) In the order dated 22.08.2025 issued by Chancellor of MTU holding that the petitioner is not eligible; and (ii) the finding of the learned Single Judge of this Court [Coram: Hon'ble Mr. Justice A. Bimol Singh] in order dated 27.10.2025 in WP(C) No. 805 of 2021 holding that the Court is inclined to interfere the finding of the expert committee holding that the petitioner as eligible for being appointed as VC of MTU. The sum of substance of the effect of the order dated 27.10.2025 passed by this Court is that the petitioner is eligible for being appointed as VC of MTU.

[21] It may be noted that the finding and decision of the learned Single Judge in order dated 27.10.2025 in WP(C) No. 805 of 2021, is being challenged by the writ petition therein, [i.e., Shri Mutum Shyamkesho Singh] before the Division Bench by way of WA No. 59 of 2025 and the matter is pending before the Division Bench. It is informed that there is not stay of the finding and direction given by learned Single Judge in order dated 27.10.2025. It may also be noted that State authority, MTU & UGC did not prefer any appeal against the judgment & order dated 27.10.2025 passed by learned Single Judge of this Court in WP(C) No. 805 of 2021 holding that the petitioner is eligible for being appointed as VC as decided by the expert committee. This Court is of the view that mere pendency of the writ appeal before the Division Bench does not affect the binding nature of the finding of learned Single Judge in order dated 27.10.2025, specially upon State authority, MTU and UGC who did not prefer any appeal; having accepted the decision of learned Single Judge and took stand that the petitioner herein is eligible. In the circumstances, the judicial finding in order dated 27.10.2025 will prevail upon the decision of the Chancellor in order dated 22.08.2025 with respect to the conflicting opinion about the eligibility of the petitioner for being appointed as VC of MTU.

[22] As noted supra, a co-ordinate Bench of this Court having found the appointment of the petitioner as VC of MTU on the recommendation of the expert committee as valid, this Court is also not going into this matter again. Accordingly, the present writ petition is partly allowed and the finding of the Chancellor in order dated 22.08.2025 especially with respect to 'para nos. 12 & 13' holding that the writ petitioner (Dr. Bhabeswar Tongbram) does not have requisite qualification for being appointed as VC of MTU, is set aside; as the same is merged with the judicial finding of learned Single Judge of this Court in order dated 27.10.2025 in WP(C) No. 805 of 2021. Regarding the enquiry, this Court does not find any reason to interfere with and the same can be continued except for references in 'Paras 2.3, 2.4 & 2.5' of Notification dated 12.02.2026 (supra), as learned Single Judge has already made a finding in this regard in order dated 27.10.2025 in WP(C) No. 805 of 2021. This Court is of the view that notice dated 26.01.2026 issued to the petitioner for appearance in the proposed enquiry, is in the nature of appearance as witness and hence the petitioner should not be aggrieved by this notice to give statement before the enquiry committee. It is informed that at the present the VC of Dhanamanjuri University is holding charge of VC of MTU as an interim arrangement. Petitioner is reinstated as VC of MTU with immediate effect till 07.11.2026 or till he attains the age of 70 years, whichever is earlier, in terms of his appointment order dated 08.11.2021 issued by the Chancellor of MTU. Interim VC is directed to handover charge of VC of MTU to the petitioner.

CONCLUSIONS:

[23] As held above, this Court passes the following directions:

I. WP(C) No. 91 of 2026 is partly allowed.

II. Decision of the Chancellor of MTU in order dated 22.08.2025, especially para 12 & 13 to the effect that the petitioner, Dr. Bhabeswar Tongbram, does not have requisite qualification, is set aside; as administrative decision on the same issue is merged with and erased by later judicial findings in order dated 27.10.2025 in WP(C) No. 805 of 2021.

III. Petitioner is reinstated to the post of VC, MTU with immediate effect till 07.11.2026 or till he attains the age of 70 years, whichever earlier, in terms of his original appointment order dated 08.11.2021. In-charge VC of MTU [i.e., VC of DMU] is directed to hand over the charge of VC of MTU to the petitioner.

IV. The enquiry in terms of directions in letter dated 16.01.2026 of Hon'ble Governor of Manipur can continue, except for the term of references mentioned in paras 2.3, 2.4 & 2.5 of Notification dated 12.02.2026 issued by Commissioner (Hr. & Tech. Education), Government of Manipur in view of judicial findings in order dated 27.10.2025 in WP(C) No. 805 of 2021 on these points.

V. Notice dated 23.01.2026 issued by Commissioner (Hr. & Tech. Education), Government of Manipur to the petitioner for deposing before the Enquiry

Committee is in the nature of a summon to witness and does not suffer from any infirmity.

[24] With these observations, WP(C) No. 91 of 2026 is partly allowed and disposed of. MC(WP(C)) No. 99 of 2026 is also disposed of, accordingly. Interim order dated 06.02.2026 merges with the final order. No cost.

[25] Registry is directed to send a copy of this order to the Registrars of Manipur Technical University and Dhanamanjuri University, for information and necessary compliance.

[26] This Court appreciates the fair submissions of all learned sr. counsel appearing for the parties in disposal of the present petition.

Digitally signed by **JUDGE** Oinam Oinam Thoiba Meitei Thoiba Meitei

***FR/NFR** Thoiba*