



2026:MNHC:156

REPORTABLE
Item nos. 9 & 10

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

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

Dr. Bhabeswar Tongbram, aged about 61 years
S/o (Late) T. Krishna Singh of
Sagolband Kangabam Leikai,
PO & PS- Imphal, Imphal West District, Manipur-795001.

.... *Petitioner*

- *Versus* -

1. The State of Manipur represented by the
Commissioner (Higher & Technical Education),
Government of Manipur, New Secretariat Building,
Mantripukhri, PO-Mantripukhri, PS-Heingang,
Imphal East District, Manipur-795002.
2. The Chancellor, Manipur Technical University,
Lok Bhavan Manipur, PO & PS- Imphal,
Imphal West District, Manipur-795001.
3. The Manipur Technical University, represented by its
Registrar, Government of Manipur, Polytechnic Campus,
Takyelpat, PO & PS- Lamphel,
Imphal West District, Manipur-795004.

.... *Respondents*

**B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

**JUDGMENT & ORDER
(Oral)**

05.08.2026

[1] Heard Mr. N. Ibotombi, learned sr. counsel assisted by Ms. Y. Jinita, learned counsel on behalf of the petitioner; Mr. M. Devananda, learned Addl. AG assisted by Ms. N. Jyotsana, learned counsel for the State respondent; Dr. RK Deepak, learned sr. counsel assisted by Mr. L. Rajesh, learned counsel on behalf of Manipur Technical University (in short, MTU).



[2] The short question involved in the present writ petition is: "Whether the decision in an administrative order shall be over-ridden by and merged with the finding in subsequent judicial order on the same issue or not?".

[3] Before going to the controversy in the matter, the brief facts in the present petition are enumerated as below:

[4] The petitioner, Dr. Bhabeswar Tongbram was appointed as Vice-Chancellor (in short, VC) of MTU by an order dated 08.11.2021 issued by Chancellor, MTU in exercise of the powers conferred under Section 14(1) of the Manipur Technical University Act, 2016 (in short, MTU Act) for a period of 5 years from the date on which he enters upon his office or until he attains the age of 70 years, whichever is earlier. 3(three) applicants for the post of VC in MTU and 1(one) individual challenged the appointment of the petitioner herein by way of writ petitions being WP(C) Nos. 791, 805, 807 & 825 of 2021 and the same were allowed & disposed of by a learned Single Judge of this Court [Coram: Hon'ble Mr. Justice M.V. Muralidaran] by a common judgment & order dated 27.01.2023 and the appointment order dated 08.11.2021 of the petitioner herein as VC of MTU, was set aside along with the advertisement dated 12.08.2021; and the authority was directed to initiate fresh recruitment process after issuing fresh advertisement. It may be noted that WP(C) No. 825 of 2021 is a writ of quo-warranto filed by a non-applicant. The relevant portions of the common judgment & order dated 27.01.2023 are reproduced as below:

"134. In final,

- i. W.P. (C) Nos. 791, 805, 807 and 825 are allowed.*
- ii. The impugned advertisement dated 12/08/2021 and the recruitment process initiated pursuant to the said advertisement are set aside.*
- iii. The impugned order of appointment issued in favour of the respondent Dr. Bhabeswar Tongbram dated 8/11/2021 is also set aside.*



- iv. *The respondents 1 and 2 are directed to initiate fresh recruitment process after issuing a fresh advertisement for filling up the post of Vice-Chancellor, Manipur Technical University as per the Manipur Technical University Act and/or its statutes etc. as per the UGC Regulations and its norms.*
- v. *The said exercise is directed to be completed within a period of three months from the date of receipt of a copy of this order.*
- vi. *The official respondents are directed to strictly comply fresh process within the time limit as fixed by this Court and report this Court on 28/04/2023.*
- vii. *Till such fresh appointment, the official respondents are directed to make a stop-gap arrangement in accordance with law.*
- viii. *There will be no order as to costs."*

[5] Being aggrieved by the common judgment & order dated 27.01.2023, the petitioner herein whose appointment had been set aside, filed 4(four) Writ Appeals being WA Nos. 14, 15, 16 & 61 of 2023 before Division Bench of this Court.

[6] A Division Bench of this Court, vide order dated 19.02.2025, set aside the common judgment & order dated 27.01.2023 in the writ petitions; and writ appeals were allowed and writ petitions were remitted back to Ld. Single Judge for disposal on merit within a period of 8(eight) weeks. Thereafter, the petitioner herein submitted a representation dated 20.02.2025 to the Chancellor of MTU to reinstate him to the post of VC, as Division Bench by its order dated 19.02.2025 set aside the common order dated 27.01.2023 cancelling his appointment as VC of MTU. Since nothing was happening, the petitioner approached the Division Bench by way of an application being MC(WA) No. 33 of 2025 for permitting him to discharge his duties as VC of MTU on the ground that the Division Bench had restored his appointment dated 08.11.2021; and stop gap arrangement of charge of VC has stood erased. Vide order dated 02.04.2025, the Division Bench disposed of MC(WA)



No. 33 of 2025 by giving direction to the Chancellor, MTU to consider the pending representation dated 20.02.2025 for reinstating the petitioner as VC of MTU. Thereafter, the petitioner submitted another representation dated 16.05.2025 to the Chancellor, MTU with the same prayer. It may be noted that out of four remanded writ petitions, 3(three) writ petitions, i.e., WP(C) Nos. 791, 807 & 825 of 2021 were dismissed by this Court as withdrawn, vide order dated 21.04.2025 and in the circumstances, only WP(C) No. 805 of 2021 remains on the board of Ld. Single Judge of this Court.

[7] During the pendency of the WP(C) No. 805 of 2021, Chancellor of MTU issued an order dated 22.08.2025 disposing the representation dated 20.02.2025 submitted by the petitioner herein, holding that the petition does not have requisite qualifications for being appointed as VC of MTU. The order dated 22.08.2025 is challenged before this Court in the present writ petition i.e. WP(C) No. 91 of 2026

[8] It may be noted that after disposal of the pending representation dated 20.02.2025 submitted by the petitioner for re-instating him to the post of VC by an order 22.08.2025 passed by the Chancellor, learned Single Judge of this Court [Coram: Hon'ble Mr. Justice A. Bimol Singh] disposed of the pending writ petition, being WP(C) No. 805 of 2021 (challenging the appointment of the petitioner herein, as VC of MTU vide order dated 08.11.2021) by dismissing the writ petition challenging his appointment on the ground that the opinion of the expert committee consisting of four members holding the petitioner as eligible, cannot be looked into in a judicial review in absence of any patent illegality in the process of selection. Vide order dated 27.10.2025, it was held that the case of the petitioner has been examined by a committee of expert and the committee having found him eligible and recommended for appointment, the Court in a judicial view, does not have any expertise to examine the same and held that the petitioner was/is eligible for appointment as VC of MTU. In the order dated 27.10.2025, learned Single Judge has recorded that State respondents, MTU as well as UGC have taken a specific stand in the counter affidavits that the petitioner was eligible



for appointment as VC of MTU. The relevant 'para nos. 15, 16 & 17' of the order dated 27.10.2025 are reproduced as below:

"[15] According to the respondents, the respondent No. 3 possesses the educational qualifications of Bachelor of Civil Engineering, Master of Civil Engineering and Ph.D. "Traditional Housing and Architecture of Manipur". The respondent No. 3 possesses the essential qualifications prescribed under Section 7.3 of the UGC Regulations, 2018, i.e., 10 years of experience in a reputed research and/ or academic administrative organisation with proof of having demonstrated academic leadership. Such factum has not been disputed by the petitioner and in fact, it is not the case of the petitioner that the respondent No. 3 did not have 10 years of experience in a reputed research and/or academic administrative organization. The sum and substance of the ground raised by the petitioner is that the respondent No. 3 did not have a minimum of 10 years of experience as Professor in a University.

[16] In the present case, a duly constituted Selection Committee, consisting of experts in the field, after carefully examining and scrutinizing the qualifications and experience of the respondent No. 3, found him to be qualified and eligible for the advertised post of Vice-Chancellor. It is also on record that after holding an Interview and after examining and scrutinizing the merits and demerits of all the candidates who participated in the said Interview, the Selection Committee found the respondent No. 3 to be the most qualified and suitable candidate and recommended him for appointment as Vice-Chancellor of MTU. On the basis of such recommendation made by the Selection Committee, the respondent No. 3 was appointed as the Vice-Chancellor of MTU by issuing an order dated 08-11-2021, impugned herein.

[emphasis supplied by this Court]



[17] *In view of the above, this court, in exercise of its power for judicial review, cannot act as an appellate court to examine the validity of the recommendation made by such expert committee especially when there is no material on record to support the allegations made by the petitioner and particularly, when no allegation of mala fide had been raised against the experts constituting the Selection Committee. It is a well-settled principle of law that in the academic matters, the courts have a very limited role particularly when no mala fides have been alleged against the experts constituting the Selection Committee and that it would normally be prudent, wholesome and safe for the courts to leave the decision to the academicians and experts. As a matter of principle, the courts should never make an endeavour to sit in appeal over the decision of the experts and the court must realize and appreciate its constraints and limitations in academic matters. In this regard, this court can gainfully rely on the principle of law laid down by the Hon'ble Apex Court in the case of the **Basavaiah (Dr.)** (supra)."*

[It may be noted that respondent No.3 in WP(C) No. 805 of 2021 is Dr. Bhabeswar Tongbram, who is also the writ petitioner in the present case, i.e., WP(C) No. 91 of 2026]

[9] Thereafter, the Commissioner (Higher & Technical Education), Govt. of Manipur issued a notice dated 23.01.2026 to the petitioner herein, to appear in person and depose, regarding the procedural and other relevant aspects of his appointment as VC of MTU on 29.01.2026. The notice dated 23.01.2026 was issued to the petitioner on the basis of a letter dated 16.01.2026 issued by Hon'ble Governor of Manipur directing the Administrative Department to initiate enquiry regarding the appointment of VC, MTU under Section 13(1)(d) and Section 13(2) of the MTU Act, 2016 and in view of the impugned order dated 28.02.2025 issued by the Chancellor of MTU. In the writ petition i.e. WP(C) No.91 of 2026, the petitioner challenges: (i) the order dated 22.08.2025 issued by the Chancellor, MTU; (ii) the letter dated



2026:MNH:156

16.01.2026 issued by Hon'ble Governor to the Commissioner, Higher & Technical Education, Manipur for initiating enquiry; and (iii) Notice dated 23.01.2026 issued by Commissioner, Higher & Technical Education, Govt. of Manipur to the petitioner herein for deposing before him in the proposed enquiry. The prayer in WP(C) No. 91 of 2026 is reproduced below:

- (i) admit this petition;*
- (ii) to issue a Rule Nisi;*
- (iii) to issue a Writ in the nature of Certiorari for quashing the back dated order 22/08/2025 issued by the Chancellor of Manipur Technical University thereby giving a finding that the Petitioner did not possess the required qualification for the post of Vice-Chancellor, Manipur Technical University;*
- (iv) to issue a Writ in the Certiorari for quashing the U.O. No. GSM/MU-2/2017 dated 16/01/2026 issued by the Chancellor, Manipur Technical University for holding an enquiry into the procedural and other relevant aspect regarding the appointment of the Petitioner as Vice-Chancellor under Section 13(1)(d) and Section 13(2) of the Manipur Technical University Act, 2016 and also the Notice dated 23/01/2026 issued by the Respondent No.1 including the proceeding initiated on the basis of the said Notice dated 23/01/2026 for want of jurisdiction and authority for want of jurisdiction and authority;*
- (v) to issue a writ in the nature of Mandamus directing the Respondents to allow the Petitioner to joint as Vice-Chancellor of Manipur Technical University on the basis of the appointment order dated 08/11/2021;*
- (vi) in the interim, to pass an order staying the Back dated Order dated 22/08/2025 passed by the Respondent No. 2 and also the proceeding initiated on the basis of the notice dated 23/01/2026; &*



(vii) to pass any such further order (s) or direction (s) which this Hon'ble Court deem fit and proper to secure the ends of justice.

[10] Mr. N. Ibotombi, learned sr. counsel for the petitioner submits that in the counter affidavit filed by the State respondent, MTU as well as UGC, the specific stand is that petitioner herein [respondent no. 3 in WP(C) No. 805 of 2021] is/was eligible for appointment as VC of MTU. However, without withdrawing the specific stand submitted in the counter affidavit before the court, it is observed by the Chancellor of MTU in impugned order dated 22.08.2025 at 'para nos. 12 & 13' that the petitioner does not possess the requisite qualifications for appointment to the post of VC, MTU. It is urged that the same is without any basis and no explanation is not given contradicting the statement given in the counter affidavit before this Court. It is submitted that the stand taken by the Chancellor in order dated 22.08.2025 cannot be sustained. Learned sr. counsel for the petitioner further submits that subsequent to the issuance of the order dated 22.08.2025 issued by the Chancellor holding the petitioner ineligible for appointment as VC of MTU, a Single Judge of this Court has disposed of the pending WP(C) No. 805 of 2021 by an order dated 27.10.2025 holding that the petitioner having been found eligible and thus recommended for appointment as VC by the committee of expert; the Court has no jurisdiction to examine the same in a judicial review in absence of any malafide or illegality and observed at 'para no. 17' that petitioner is eligible. It is submitted that the finding of the Chancellor in order dated 22.08.2025 observing that the petitioner does not have requisite qualification stands erased by the finding of learned Single Judge in order dated 27.10.2025 in WP(C) No. 805 of 2021, by which the writ petition challenging the appointment of the petitioner herein as VC of MTU by order dated 08.11.2021 was rejected. It is submitted that subsequent finding in judicial order will prevail over the finding in the previous administrative order in the same subject matter and as such, the petitioner herein, is eligible for appointment as VC of MTU.



[11] Regarding the enquiry initiated, Mr. N. Ibotombi, learned sr. counsel for the petitioner submits that the enquiry is on the basis of erroneous finding in order dated 22.08.2025 of the Chancellor. Since the finding in order dated 22.08.2025 has been overridden by the finding of learned Single Judge in order dated 27.10.2025, the enquiry cannot be sustained as the same is without any foundation; and the summon dated 23.01.2026 to the petitioner also cannot stand legal scrutiny. It is prayed that the finding in order dated 22.08.2025 and proposed enquiry in terms of letter dated 16.01.2026 and the notice dated 23.01.2026 summoning the petitioner, be set aside and the petitioner be restored as VC of MTU.

[12] Mr. M. Devananda, learned Addl. AG submits that the State authority has ample power to enquire into the conduct of appointment of VC of the University in terms of Section 13 of the MTU Act, 2016 and letter dated 16.01.2026 issued by the Hon'ble Governor to the Commissioner (Higher & Technical Education), Govt. of Manipur for initiation of an enquiry, is an internal communication and the same is not amenable to writ jurisdiction before the Court and also clarified that the notice dated 23.01.2026 to the petitioner is to depose in the proposed enquiry and nothing more than that.

[13] On the other hand, Dr. RK Deepak, learned sr. counsel for the MTU submits that since the stand of the MTU in the counter affidavit filed before the learned Single Judge in WP(C) No. 805 of 2021 was not perhaps according to the rule. The Chancellor subsequently gave a finding in the order dated 22.08.2025 that the writ petitioner does not possess requisite qualification for being appointed as Chancellor of MTU. Regarding the proposed enquiry, it is explained that the same is to find out the lapses in the selection process and to fix responsibility and the enquiry is initiated under Section 13 of the MTU Act, 2016. Learned sr. counsel has also adopted the submissions of Mr. M. Devananda, learned Addl. AG to the point that letter dated 16.01.2026 of the Hon'ble Governor should not be a matter of adjudication before the writ court.

[14] This Court has perused the materials on record. The only issue is whether the finding of the Chancellor of MTU in order dated 22.08.2025 to



the effect that the petitioner herein is not eligible and does not have requisite qualifications for being appointed as VC of MTU, has been superseded/overridden by the subsequent finding of learned Single Judge of this Court in order dated 27.10.2025 in WP(C) No. 805 of 2021 holding that the petitioner has the requisite qualifications. This Court has gone through the decisions cited by Mr. N. Ibotombi, learned sr. counsel to the points that judicial order prevails over the finding of the administrative order on the same subject matter and the relevant citations are reproduced below:

"A. Executive vs Judiciary, Non Compliance of Court's Order.

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



2026:MNH:156

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:

No. TE-30014/1/2016-THE-DHTE
GOVERNMENT OF MANIPUR
OFFICE OF THE COMMISSIONER & SECRETARY
HIGHER & TECHNICAL EDUCATION DEPARTMENT

NOTIFICATION
Imphal, the 12th February, 2026

1. Whereas, vide UO no. GSM/MU-2/2017 dated 16.01.2026, an enquiry has been ordered by the Chancellor, Manipur Technical University to be conducted by the Commissioner (Higher & Technical Education), Government of Manipur into the procedural and other relevant aspects regarding the appointment of Dr. Bhabeswar Tongbram as Vice Chancellor of the Manipur University;
2. Whereas, on perusal of documents related to the matter, the procedure regarding the appointment includes the following aspects:
 - 2.1 Notification issued for recruitment vis-a-vis applicable recruitment rules
 - 2.2 Constitution of Selection Committee
 - 2.3 Procedure followed by Selection Committee
 - 2.4 Eligibility as per recruitment rules
 - 2.5 Selection and appointment
 - 2.6 Confirmation by Board of Management of the Manipur Technical University
3. Whereas, concerns have been raised regarding the scope of the enquiry and it is sought to address such concerns;
4. Whereas, substantial progress has already been made in connection with the said enquiry;
5. Therefore, it is accordingly notified that the above aspects at para 2 has been / shall be enquired into, in the said enquiry, subject to outcome of any litigation on the matter.


12.02.2026
(Ningthoujam Geoffrey)
Enquiry Officer
Commissioner (Higher & Technical Education)
Government of Manipur

Copy to:

1. Secretary to Governor (Chancellor), Lok Bhawan.
2. Joint Secretary (Higher & Technical Education), Government of Manipur
3. File / Notice Board



[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



2026:MNHHC:156

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.

Oinam

Thoiba Meitei

FR/NFR

Thoiba

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Oinam Thoiba Meitei
Date: 2026.08.06
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JUDGE