

(2025) 12 MAN CK 1707

In the Manipur High Court

Case No : Writ Petition (C) No.244 Of 2025, Miscellaneous Case [WP(C)] No.
228 Of 2025

Dr. Md. Rabi Khan

APPELLANT

Vs

he State Of Manipur & Ors

RESPONDENT

Date of Decision : 23-12-2025

Acts Referred:

Right To Information Act-2005 — Section 6(1)

Manipur State Minorities Commission Act, 2010 — Section 3, 3(2), 4, 4(3)

Citation : (2025) 12 MAN CK 1707

Hon'ble Judges : A. Guneshwar Sharma, J

Bench : Single Bench

Advocate : Dr. Md. Ravi Khan, M. Rarry, M. Nikita, Boboy Potsangbam

Final Decision : Dismissed

Judgement

A. Guneshwar Sharma, J

(CAV)

[1] By the present writ petition, petitioner is challenging the order dated 30.01.2025 appointing the private respondent No.4 to the post of Chairperson, Manipur State Minorities Commission.

[2] The petitioner-in-person is an Advocate practicing in High Courts and District Courts in the State of Manipur and other States belonging to the most backward and micro minority (Manipuri Muslim), was elected as a member of the Bar Council of Manipur and an elected member of the Waqf Board Manipur in the year 2021 and also a former Executive member of the All Manipur Bar Association. The petitioner submitted an application dated 01.02.2025 to the Hon'ble Chief Minister's Secretariat (i/c Minority Affairs) and the Secretary (Minority Affairs), Govt. of Manipur respectively, requesting for his appointment as Chairperson of the Manipur State Minorities Commission (in short, MSMC or Commission) and the same was forwarded to the Joint Secretary (MOBC).

[3] It is stated that one Md. Abdul Samad and Syed Wahidur Rahman, had also submitted their applications for appointment to the said post. However, both the applicants did not pursue their applications further, as they came to know that one Md. Deepak Shah (Respondent No.4 herein), had already been appointed as Chairperson of the Commission. Thereafter, on 25.02.2025 an order was uploaded through Social Media page that respondent No.4, was nominated as Chairperson to the Manipur State Minorities Commission. In the said order, the Deputy Secretary (MA) digitally signed on 30.01.2025 and the said order was not sent/supplied to the Director (Printing & Stationery), Govt of Manipur. On 26.02.2025, the petitioner submitted representations each to the Chief Secretary and the Hon'ble Governor of Manipur thereby requesting them to reconsider/review the order dated 30.01.2025 for not complying the provisions of law for appointment/nomination of Chairperson/member of the Commission.

[4] The petitioner, thereafter, submitted RTI application dated 28.2.2025 (under Section 6(1) of the RTI Act, 2005), to furnish information regarding appointment of Chairperson to the Manipur State Minorities. It is also alleged that the order dated 30.01.2025 issued by the Deputy Secretary (MA), Govt of Manipur was published in Manipur Gazette only on 06.03.2025 after issuance of the order way back in January, 2025.

[5] It is further submitted that private respondent No.4 has not resigned/removed from being member of the Waqf Board Manipur, a Statutory Body, constituted under the State Government.

[6] Respondent Nos.1 and 2 filed affidavit-in-opposition stating that the petitioner cannot claim to be an aggrieved person without even submitting application for consideration of appointment as Chairperson of Manipur State Minorities Commission, as his application was submitted only after new appointment was issued on 30.01.2025 in favour of the respondent No.4.

[7] It is further stated that appointment of respondent No.4 as Chairperson of MSMC was done under sub-section (2) of Section 3 of the Manipur State Minorities Commission Act, 2010 (Manipur Act No.9 of 2010) and that respondent No.4 had already submitted his resignation from being member of the Waqf Board Manipur.

[8] Respondent No. 3 filed an affidavit submitting that it has been wrongly included as a party. The National Commission for Minorities (NCM) formed under the NCM Act, 1992, has been inter-alia, entrusted with the responsibility to safeguard the interests of the Minority communities. It is submitted that the Commission under National Commission for Minority Act, 1992, is not empowered to nominate/appoint chairperson or member in the NCM or in the State Minorities Commissions.

[9] Dr. Rabi Khan, petitioner-in-person, has submitted that the appointment of the respondent No.4 has been done in complete non-compliance of the provisions of the Manipur State Minorities Commission Act, 2010 (Manipur Act

No. 9 of 2010). It is pointed out that the Chairperson and Member of the Commission shall be nominated by the State Government from amongst persons of eminence, ability and integrity and such persons shall be from amongst the notified minority communities. The respondent No.4 is alleged to be a person not falling under the category of eminence, ability and integrity. He has been appointed without submitting any formal application and without showing his academic records to consider him a person of eminence. Besides, the respondent No.4 did not resign from the post of Member of Waqf Board, Manipur before his appointment as Chairperson of the Commission. It is alleged that his only qualification is that he belongs to the constituency of a former Chief Minister. It is prayed that the appointment of the respondent No.4 as Chairperson of the Manipur State Commission for Minorities be set aside and directed to appoint a fresh and qualified person in terms of the Act.

[10] Mr. M. Rarry, learned senior counsel appearing for the State respondents, submits that the writ petition is not maintainable, as the petitioner is not an aggrieved person for the simple reason that he has applied for the post of the Chairperson of the Commission only on 01.02.2025 after the appointment of the respondent No.4 vide order dated 30.01.2025. Further, it is also pointed out that the petitioner cannot claim as a matter of right for appointment as Chairperson of the Commission contrary to the relevant rule. Learned senior counsel explains that the respondent No.4 was appointed as Chairperson of the Commission in terms of sub-section (2) of Section 3 of the Act of 2010. It is highlighted that the provision of Section 3 does not provide any specific educational qualification and the word 'eminence' cannot be construed so narrowly. The allegation of back dated order is denied, as the order dated 30.01.2025 appointing the respondent No.4 was digitally signed and the delay in publication of the appointment order in Gazette only on 06.03.2025 was perhaps due to heavy schedule in the Government Press. It is prayed that the writ petition be dismissed with exemplary cost being devoid of any merit.

[11] Mr. Boyboy Potsangbam, learned CGC submits that the writ petition is bad for mis-joinder of necessary party. It is explained that National Minority Commission is not a necessary party in the present petition and it does not have any role in the appointment of the Manipur State Minorities Commission and prays that the writ petition be quashed qua NMC. None appeared on behalf of the respondent No.4 in spite of proper service of summon.

[12] This Court has perused the materials on record minutely, the submissions made at bar and the provisions of the statute, i.e., Act No.9 of 2010. For deciding the disputes involved in the present case for adjudication, it will be relevant to refer to Section 3 of the Manipur State Minorities Commission Act, 2010 and the same is reproduced below :

3. Constitution of the State Commission for Minorities –

(1) The state Government shall constitute a body to be known as Manipur State

Minorities Commission to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of a Chairperson and two Members to be nominated by the State Government from amongst persons of eminence, ability and integrity and such persons shall be from amongst the notified minority communities.

[13] From a cursory reading of Section 3 of the Act of 2010, it is clear that the Chairperson and two Members of the Commission should be amongst persons of eminence, ability and integrity from the notified minority communities. The provision does not prescribe any minimum educational qualification, nor is the word 'eminence' explained in the Act. This Court agrees with the submission of Mr. M. Rary, learned senior counsel appearing for the State Government that there is no minimum education qualification prescribed and the word 'eminence' cannot be construed in a narrow span. In absence of any rule or notification in this regard, Mr. Rabi Khan cannot say that the respondent No.4 does not have requisite qualification of being appointed as Chairperson of Manipur State Minorities Commission. The grounds as stipulated in sub-section (3) of Section 4 of the Act of 2010 for removal from office are- insolvent, conviction for an offence of moral turpitude, unsound mind and incapable of acting in the interest of the minorities and public. No specific averment is made against the respondent No.4 towards any of the disqualifications mentioned in Section 4. The petitioner has miserably failed to point out any specific allegation that the respondent No.4 is not qualified at all. This Court of the opinion that the Act does not require the publication of the appointment order in the Manipur Gazette within a specified time period, failing which the appointment will become void.

[14] This Court does not find in the merit of the case and the writ petition is dismissed. Misc. case is also disposed of. Cost is made easy.