
(2021) 04 MAN CK 0017
In the Manipur High Court
Case No : Writ Petition (c) No. 328 Of 2021

Ng. Ekashini Devi

APPELLANT

Vs

State Of Manipur

RESPONDENT

Date of Decision : 30-04-2021

Acts Referred:

Citation : (2021) 04 MAN CK 0017

Hon'ble Judges : Kh. Nobin Singh, J

Bench : Single Bench

Advocate : Hs Paonam, N Bipin, A. Arunkumar, N Bipin, K Modhusudon, A Charanjan, M Rarry

Judgement

Heard Shri H.S. Paonam, learned Senior Advocate appearing for the petitioner; Shri M. Rarry, learned Addl. Advocate General appearing for the

State respondents and Shri K. Modhusudon, learned counsel appearing for the respondent Nos. 3 & 4.

[1] According to the petitioner, she was, at the relevant time, working as the Principal of Naorem Birahari College, Khundrakpam, Manipur. While she

was working in that capacity, she was placed under suspension vide order dated 27-11-2021 which was followed by an order dated 08-12-2020 by

which the respondent No. 4 was appointed as the interim in-charge Principal of the said college.

[2] A writ petition being W.P. (C) No. 668 of 2017 came to be filed by the petitioner wherein this court, while issuing notice to the respondents,

passed an interim order dated 18-12-2020 to the effect that the order dated 27-11-2020 issued by the Chairman, Caretaker Governing Body, Naorem

Birahari College be suspended till the next returnable date. It may be noted that before passing the said order dated 18-12-2020, the order dated 08-

12-2020 has already been issued. But it appears that on 18-12-2020, when the matter was taken up for consideration, it was not brought to the notice

of this court by any of the parties. After the order dated 18-12-2020 having been passed by this court, a letter dated 25-02-2021 was addressed to the

Principal in-charge, Naorem Birahari College, Khundrakpam by the Director of University & Higher Education, Government of Manipur and on the

strength of the said letter, an order [2] dated 02-03-2021 was issued by the University & Higher Education constituting a New Governing Body. On

the same day i.e., 02-03-2020, the Chairman, Caretaker Governing Body of the Naorem Birahari College issued an order revoking the suspension

order of the petitioner thereby allowing her to resume her duty as Principal (i/c) of the College with immediate effect.

[3] A contempt case being Cont. Case No. 4 of 2021 was filed on the allegation that the order dated 18-12-2020 had not been complied with and this

court, on 10-03-2021, passed an order that any actions/ steps taken by the respondent No. 4 from 18-12-2020 till 01-03-2021 should remain suspended.

The net result was that the action taken by the respondent No. 4 had been kept suspended vide order dated 10-03-2021. Thereafter, on 20-03-2021,

the Secretary, Governing Body, Naorem Birahari College issued an order suspending the petitioner again, followed by an order dated 22-03-2021

whereby the respondent No. 4 was appointed as the interim Principal in-charge of Naorem Birahari College, Khundrakpam.

[4] It may be noted that this order dated 20-03-2021 issued by the Secretary, Governing Body of the College has been kept suspended vide order

dated 24-03-2021 by this court. The validity and correctness of the orders dated 20-03-2021 and 22-03-2021 are under challenge in this writ petition.

[5] When the matter is taken up for consideration, it has been submitted by Shri K. Modhusudon, learned counsel that counter on behalf of the

respondent Nos. 3 and 4 has already been filed and the same is on record. So far as the respondent Nos. 1 and 2 are concerned, it has been submitted

by Shri M. Rarry, learned Addl. Advocate General that counter on behalf of the State respondents has been filed yesterday i.e., 28-04-2021 after

having the copies thereof served upon the learned counsel appearing for the petitioner. The registry is directed to place the same on record by the next

date.

[6] In view of the above, let notice be issued to the respondents, returnable on 10-05-2021.

[7] By way of an interim measure, it is directed that since the order dated 20-03-2021 has already been suspended by this court, this [3] court is of the view that the consequential order dated 22-03-2021 will have to be suspended accordingly.

[8] It has further been submitted by the learned counsel appearing for the respondent Nos. 3 & 4 that the order dated 10-03-2021 has been preferred against the order dated 10-03-2021 and therefore, it is open to the learned counsel appearing for the respondents to pursue with it so that appropriate order can be passed by the appellant authority to avoid any confusion in the matter.

[9] Since the respondents are represented by their respective counsels, no formal notice is called for. The counsel appearing for the petitioner is permitted to file rejoinder in the matter by the next date.

Copies of this order shall be sent to the counsels appearing for the parties through their WhatsApp/e-mail.