

(2018) 08 MAN CK 0003

In the Manipur High Court

Case No : Writ Petition (c) No. 606, 725 Of 2017, 313 Of 2018, Miscellaneous
Case (WP(c)) No. 283 Of 2017

Okram Kenechi And Others

APPELLANT

Vs

State Of Manipur & 2 Ors And Others

RESPONDENT

Date of Decision : 23-08-2018

Acts Referred:

Citation : (2018) 08 MAN CK 0003

Hon'ble Judges : Kh. Nobin Singh, J

Bench : Single Bench

Advocate : Pushpa, R.K. Deepak, N. Jotendro, E. Premjit, A. Bimol, Gautam, M. Rarry, Kh. Tarunkumar

Final Decision : Disposed Of

Judgement

Kh. Nobin Singh, J

Heard Ms. Pushpa and Shri R.K. Deepak, learned counsels appearing for the petitioners; Shri A. Bimol, learned Senior Advocate appearing for some of the private respondents; Shri N. Jotendro, learned Sr. Advocate assisted by Shri E. Premjit, learned counsel appearing for some of the private respondents; Shri N. Ibotombi, Senior Advocate appearing for the MPSC; Shri M. Rarry, learned counsel appearing for the respondent No. 24 and Shri Kh. Tarunkumar, learned counsel appearing for some of the respondents.

The subject matter in issue relates to the validity and correctness of the recruitment process initiated by the MPSC in respect of the MCSCC Examination, 2016.

Two writ petitions being W.P.(C) No. 803 of 2016 and WP(C) No. 817 of 2016 came to be filed before this Court questioning the validity and correctness of the said recruitments process and during the pendency of the said writ petitions, a retired Judge of the Gauhati High Court was appointed as the Commission to look into various aspects of the examination which submitted its report on

13-10-2017. On the basis of the said report, the said writ petitions were dismissed by this Court with the observations that non-interference by this Court would not debar the petitioners therein seeking redressal before the appropriate forum in future if any patent illegalities or irregularities are disclosed after getting necessary information from the access of the marks and answer scripts.

Some of the petitioners applied under the provisions of the Right to Information Act, 2005 for furnishing copies of the answer scripts and on the strength of the information furnished by the MPSC, they approached this Court again by way of the present writ petitions. On 28-11-2017 this Court passed an order constituting a Committee consisting of two persons to enquire into the issues as detailed therein and submit a report thereof. This Court's order dated 28.11.2017 came to be challenged before the Hon'ble Supreme Court by way of a petition for special leave to appeal being SLP (C) No. 37281-82 of 2017 wherein the Hon'ble Supreme Court while issuing notice to the respondents therein, was pleased to direct that the inquiry to be conducted should be confined to the petitioners only and accordingly, the Committee submitted its report on 12.03.2018 confining to the petitioners only and thereafter, on 12-04-2018 the Hon'ble Supreme Court while granting leave, was pleased to dispose of the Civil Appeal No. 3752 and 3753 of 2018, para 7 of which is reproduced as under:

"7. Having regard to the indications in the Report of the Committee, we are of the view that it is in the interest of Justice that the process, as directed by the High Court, should not be disturbed. Accordingly, we dispose of these appeals with a direction to the Committee to undertake the verification, as directed by the High Court, expeditiously, in any case within a period of six weeks from today. Thereafter, the Committee will submit a Report to the High Court and the High Court may dispose of the matter expeditiously, having regard to the Report of the Committee".

In compliance with the order passed by the Hon'ble Supreme Court on 12.04.2018, the Committee continued the enquiry and submitted a report thereof on 09.07.2018, copies of which were furnished to the learned counsel appearing for the parties. On receipt of the same, the learned counsel appearing for the parties filled their respective response to the said report. On 21.08.2018, when this matter came up for consideration, Shri R.K. Mehta, learned counsel appearing for some of the private respondents submitted that the petitioners could not be permitted to have two parallel proceedings-one, before the Division Bench and two, before this Court. In view of the submission being made by the counsel appearing for the some of the private respondents, a technical problem arose on two counts-one, as long as the judgment and order dated 28.02.2017 whereby the said two writ petitions had been dismissed, is in operation, this Court cannot sit over it and two, three writ appeals preferred by the parties against the said judgment and order are pending before the Division Bench.

Accordingly, the learned counsels appearing for the petitioners were granted time to seek instruction in that regard.

On 23.08.2018, when the matters were taken up for consideration, Smt. G. Pushpa, the learned counsel appearing for the petitioners, in WP(C) No. 606 of 2017 and Shri R.K. Deepak, learned counsel appearing for the petitioners in WP(C) No. 725 of 2017 submitted that since the Division Bench of this Court is seized with the said appeals arising out of the same subject matter, this writ petition can also be listed before it so that both the writ appeals and the writ petitions can be heard together to which the learned counsels appearing for the respondents namely Shri A. Bimol, Senior Advocate; Shri Jotendro, Senior Advocate; Shri N. Ibotombi, Senior Advocate; Shri M. Rarry, Advocate and Shri Kh. Tarunkumar, Advocate raised no objection. Moreover, in order to avoid any complicity in the matter and in order to decide the issue involved herein once and for all, this Court is also of the view that it would be just and appropriate for this Court to list the instant writ petitions before the Division Bench and accordingly, it is directed that the instant writ petitions as mentioned herein above, shall be listed before the Division Bench on 29.08.2018 for consideration. It is open to the learned counsel appearing for the parties to pray for any appropriate interim order before the Division Bench.