

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

WP(C) No. 633 of 2024

1. Dr. Thongram Kamala Devi aged about 45 years W/O Rajkumar Bijoy Singh of Keishampat Leimajam Leikai, P.O. & P.S.-Imphal, District- Imphal West, Manipur.
2. Md. Asad Ali aged about 42 years S/O Md. Khalilullah of Mayang Imphal Bengoon, P.O. & P.S.-Mayang Imphal, District- Imphal West, Manipur.

... Petitioners

-Versus-

1. The Dhanamanjuri University, Manipur represented by the Registrar Dhanamanjuri University, Thangmeiband, Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur 795001.
2. The State of Manipur, represented by the Principal Secretary/Commissioner/Secretary, Department of Higher and Technical Education, Government of Manipur and its Office at Secretariat, Babupara, Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur -795001.
3. The Chief Secretary (DP), Government of Manipur, and its Office at Old Secretariat, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.

... Respondents

4. Professor N. Rajmuhon Singh, Former Vice Chancellor, Dhanamanjuri University, a resident of Langthabal Kunja Awang Leikai, Canchipur, P.O. Canchipur, P.S. Singjamei, Imphal West District, Manipur-795003.

... Proforma Respondent

**With
WP(C) No. 501 of 2024**

1. Shri Ksh. Jugeshwar Singh, aged about 49 years, S/o Ksh. Yaima Singh of Kakching Mayai Leikai, P.O. & P.S. Kakching, Kakching District, Manipur - 795103.

2. Shri Laishram Modhuchandra Singh, aged about 35 years, S/o Laishram Kamdevo Singh of Khangabok Mayai Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138 through his authorized signatory Laishram Momocha Singh, S/o Laishram Kamdevo Singh of Khangabok Mayai Leikai, Thoubal District.

... Petitioners

-Versus-

1. The Dhanamanjuri University, Manipur represented by the Registrar Dhanamanjuri University, Thangmeiband, Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur - 795001.
2. The State of Manipur, represented by the Principal Secretary/Commissioner/Secretary, Department of Higher and Technical Education, Government of Manipur, Secretariat, Babupara, Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur - 795001.
3. The Chief Secretary(DP), Government of Manipur, Manipur Secretariat, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.

... Respondents

4. Professor N. Rajmuhon Singh, former Vice Chancellor, Dhanamanjuri University, a resident of Langthabal Kunja Awang Leikai, Canchipur, P.O. Canchipur, P.S. Singjamei, Imphal West District, Manipur-795003.

... Proforma Respondent

**With
WP(C) No. 486 of 2024**

1. Shri Longjam Lovedy Singh, aged about 48 years, S/o. (Late) Longjam Raghumani Singh of Uripok Polem Leikai, P.O. Lamphel and P.S. Lamphel, Imphal West District, Manipur- 795001.

... Petitioner

-Versus-

1. The State of Manipur, represented by the Commissioner, (Higher and Technical Education), Government of Manipur, Secretariat, Babupara, Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur - 795001.

2. The Dhanamanjuri University, Manipur represented by the Registrar Dhanamanjuri University, Thangmeiband, Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur.

... Respondents

**With
WP(C) No. 495 of 2024**

1. Dr. Yumkham Sanatombi Devi, aged about 45 years, W/o. Ningombam Yaiphaba of Singjamei Waikhom Leikai, P.O. & P.S. Singjamei, Imphal West District, Manipur- 795008.

... Petitioner

-Versus-

1. The State of Manipur, represented by the Commissioner, (Higher and Technical Education), Government of Manipur, Secretariat, Babupara, Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur - 795001.
2. The Dhanamanjuri University, Manipur represented by the Registrar Dhanamanjuri University, Thangmeiband, Imphal, P.O. & P.S. Imphal, Imphal West District, Manipur - 795001.

... Respondents

**With
WP(C) No. 580 of 2025**

1. Dr. Laikangbam Shalini, aged about 49 years, W/o. Laishram Geetchandra Singh of Brahmapur Bamon Leikai, Thangjam Leirak, P.O & P.S. Porompat, Imphal East District, Manipur - 795005.
2. Dr. Linthoingambi Wairokpam, aged about 43 years, W/o. Khangjrakpam Gourachandra Singh of Oinam Mamang Leikai, P.O & P.S. Nambol, Bishnupur District, Manipur - 795134.
3. Dr. Meena Elangbam, aged about 45 years, W/o. Laishram Roshan Singh of Kwakeithel Laishram Leikai, P.O Imphal & P.S. Singjamei, Imphal West District, Manipur - 795001.

... Petitioners

-Versus-

1. The State of Manipur represented by the Principal Secretary/ Commissioner/ Secretary (Hr. & Tech. Edn.), Government of Manipur, office at Old Secretariat, Babupara, P.O. & P.S. Imphal, Manipur - 795001.
2. The Administrative Secretary (Hr. & Tech. Edn.), Government of Manipur, office at Old Secretariat, Babupara, P.O. & P.S. Imphal, Manipur – 795001
3. The Registrar, Dhanamanjuri University, Manipur, office at Dhanamanjuri University Campus, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.

... Respondents

4. Dr. Yumnam Sanatombi Devi, aged about 45 years, W/o Ningombam Yaiphaba of Singjamei Waikhom Leikai, P.O & P.S Singjamei, Imphal West District, Manipur -795008.
5. Dr. Thongram Kamala Devi, aged about 46 years, W/o Rajkumar Bijoy Singh of Keishampat Leimajam leikai P.O & P.S Imphal, District, Imphal West, Manipur.
6. Md. Asad Ali, aged about 45 years, residence of Mayang Imphal, selected candidate in vide Notification No. 3/1/2018-DMU/ADmn dated 29-02-2024 issued by the Vice-Chancellor, Dhanamanjuri University.
7. Dominil Thangminlen Haokip, selected candidate in vide Notification No. 3/1/2018-DMU/ADmn dated 29-02-2024 issued by the Vice-Chancellor, Dhanamanjuri University.

... Private Respondents

**With
WP(C) No. 728 of 2024**

1. Dr. Laikangbam Shalini, aged about 48 years, W/o. Laishram Geetchandra Singh of Brahmapur Bamon Leikai, Thangjam Leirak, P.O & P.S. Porompat, Imphal East District, Manipur - 795005.
2. Dr. Linthoingambi Wairokpam, aged about 43 years, W/o. Khangjrakpam Gourachandra Singh of Oinam Mamang Leikai, P.O & P.S. Nambol, Bishnupur District, Manipur - 795134.
3. Dr. Chamgonliu Panmei, aged about 50 years, W/o. Dr. Ram Kamei of Majorkhul, M.G. Avenue, P.O Imphal & P.S. City, Imphal West District, Manipur - 795001.

4. Dr. Meena Elangbam, aged about 45 years, W/o. Laishram Roshan Singh of Kwakeithel Laishram Leikai, P.O Imphal & P.S. Singjamei, Imphal West District, Manipur - 795001.

... Petitioners

-Versus-

1. The State of Manipur represented by the Administrative Secretary (Hr. & Tech. Edn.), Government of Manipur, office at Old Secretariat, Babupara, P.O. & P.S. Imphal, Manipur - 795001.
2. Dhanamanjuri University, Manipur represented by the Registrar, Dhanamanjuri University, Manipur, office at Dhanamanjuri University Campus, P.O. & P.S. Imphal, Imphal West District, Manipur - 795001.
3. The Registrar, Dhanamanjuri University, Manipur, office at Dhanamanjuri University Campus, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.

... Respondents

With

**MC(WP(C)) No. 714 of 2024 with MC(WP(C)) No. 713 of 2024 with
MC(WP(C)) No. 628 of 2024 with MC(WP(C)) No. 624 of 2024 with
MC(WP(C)) No. 625 of 2024 with MC(WP(C)) No. 567 of 2025 with
MC(WP(C)) No. 565 of 2025 with MC(WP(C)) No. 550 of 2025 with
MC(WP(C)) No. 710 of 2024 with MC(WP(C)) No. 415 of 2024 with
MC(WP(C)) No. 421 of 2024 with MC(WP(C)) No. 428 of 2024 with
MC(WP(C)) No. 530 of 2024**

B E F O R E

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the petitioners : Mr. HS Paonam, Sr. Adv., Mr. A. Arunkumar, Adv. &
Ms. H. Malemleima, Adv. [WP(C) No. 501 of 2024 &
WP(C) No. 495 of 2024],
Mr. M. Nabaghanashyam, Adv. & Mr. H. Kenajit,
Adv. [WP(C) No. 486 of 2024],
Mr. Ajoy Pebam, Adv. [WP(C) No. 633 of 2024],
Mr. M. Hemchandra, Sr. Adv. & Mr. M. Rendy, Adv.
[WP(C) No. 728 of 2024 & WP(C) No. 580 of 2025].

For the respondents : Mr. H. Debendra, Dy. AG with Ms. I. Sharmila, Adv. [State Govt.] & Mr. I. Denning, Adv. [Dhanamanjuri University]; Mr. Y. Nirmolchand, Sr.Adv. with Mr. U. Augusta, Advocate [former VC, DMU].

Reserved on : 16.10.2025.

Date of Judgement : **09.04.2026**

JUDGEMENT & ORDER **(CAV)**

[1] Heard Mr. HS Paonam, learned sr. counsel assisted by Mr. A. Arunkumar, learned counsel and Ms. H. Malemleima, learned counsel for the petitioners in WP(C) No. 501 of 2024 & WP(C) No. 495 of 2024; Mr. M. Nabaghanashyam, learned counsel along with Mr. H. Kenajit, learned counsel for the petitioner in WP(C) No. 486 of 2024; Mr. Ajoy Pebam, learned counsel for the petitioners in WP(C) No. 633 of 2024; Mr. M. Hemchandra, learned sr. counsel assisted by Mr. M. Rendy, learned counsel for the petitioners in WP(C) No. 728 of 2024 & WP(C) No. 580 of 2025; Mr. H. Debendra, learned Dy. Advocate General assisted by Ms. I. Sharmila, learned jr. Govt. counsel for the State respondents and Mr. I. Denning, learned counsel for the Dhanamanjuri University (in short, 'DMU').

[2] These 6 (six) writ petitions and connected misc. applications arise out of the same issues, i.e., (i) notification dated 29.02.2024 recommending appointment of 83(eighty three) candidates in 21(twenty one) subjects (excluding Zoology) as Assistant Professors in DMU; (ii) proceedings of emergency Syndicate meeting held on 18.07.2024 with respect to Resolution No.2 of Agenda I regarding Physics and Botany; (iii) notification dated 18.07.2024 cancelling the earlier notification dated 29.02.2024 and recommending appointment of 120 (one twenty) candidates as Assistant Professor in DMU in 20 (twenty) subjects; (iv) Addendum dated 18.07.2024, inserting Para 10 in notification dated 18.07.2024 for superseding the earlier notification dated 29.02.2024 & (v) notification dated 19.07.2024 for fresh interview/viva-voce for the post of Assistant Professors in Botany & Physics subjects. In the circumstances, all these writ petitions and connected misc.

applications, with respect to subjects of Physics and Botany only, are being disposed of by this common judgment and order. In order to avoid repetitions and for the sake of brevity, the common facts of these writ petitions and connected misc. applications are briefly summarized as below.

[3] The Registrar, DMU issued an advertisement no. 03/2020 dated 19.12.2020 inviting applications from intending candidates for filling up the vacancies to 88 (eighty-eight) posts of Assistant Professor in 22 (twenty-two) subjects/departments in the pay-scale of Rs. 15,600-39,100/- + AGP Rs. 6000/- (Pre-revised) and last date for submission of the duly completed application form was fixed on or before 16.01.2021 by 4:30 pm. In the general information annexed to the advertisement dated 19.12.2020, the details of the 22 (twenty-two) subjects are enumerated and the number of vacancies against each subject and categories of reservation are provided. As per the terms of the advertisement, the number of seats may change, i.e., increase or decrease. The break-up of seats subject wise is reproduced below:

Post Code	Department/ Subject	Total Vacancies	Categories of reservation
01	Anthropology	4	2-UR, 1-OBC(M), 1-ST
02	Botany	4	2-UR, 1-OBC(MP), 1-ST
03	Chemistry	4	3-UR, 1-ST
04	Commerce	4	2-UR, 1-OBC(MP), 1-ST
05	English	4	2-UR, 2-ST
06	Electronics	4	3-UR, 1-ST
07	Education	4	2-UR, 1-ST, 1-SC
08	Economics	4	2-UR, 1-OBC(MP), 1-ST
09	Environmental Science	4	2-UR, 1-OBC(M), 1-ST
10	Geography	4	2-UR, 1-OBC, 1-ST
11	History	4	1-UR, 1-OBC(M), 2-ST
12	Home Science	4	2-UR, 1-OBC(M), 1-ST
13	Manipuri	4	2-UR, 1-OBC(M), 1-ST
14	Mathematics	4	3-UR, 1-ST
15	Physics	4	2-UR, 1-OBC(M), 1-ST
16	Philosophy	4	2-UR, 1-OBC(M), 1-ST
17	Political Science	4	1-UR, 1-OBC(M), 2-ST
18	Physical Education & Sports	4	2-UR, 1-OBC(M), 1-ST
19	Sociology	4	2-UR, 1-OBC(M), 1-ST
20	Statistics	4	2-UR, 2-ST

21	Zoology	4	3-UR, 1-ST
22	Law	4	2-UR, 2-ST

[4] All the eligible candidates including the petitioners herein appeared for interview/viva-voce before the Selection Committee. It is stated that the interview for the recruitment of 88 (eighty-eight) posts of Assistant Professor had already been completed in the month of June, 2021. However, the result of the recruitment for Assistant Registrar was not declared even after completion of the interview/viva-voce proceedings. 10 (ten) candidates who appeared in the interview for the posts of Assistant Professor, approached this Court by way of writ petition, being WP(C) No. 790 of 2023, inter-alia praying for a direction to the DMU for declaration of the result of recruitment of 88 (eighty-eight) posts of Assistant Professor in 22 (twenty-two) subjects (4 posts for each subject). By an order dated 08.02.2024 passed by this Court in WP(C) No. 790 of 2023 and in view of the proposal submitted by the learned counsel for the petitioners as well as DMU, it was directed that the result of the recruitment of Assistant Professors in pursuance to the advertisement dated 19.12.2020 be declared within a period of 4(four) weeks and the writ petition was disposed of without expressing any opinion on the merit of the case.

[5] In compliance of the order dated 08.02.2024 passed by this Court in WP(C) No. 790 of 2023, on recommendations of the Selection Committee of DMU and in pursuance to the Resolution No. 2 of the 11th Syndicate meeting of DMU held on 27.02.2024, '83' (eighty-three) candidates were selected for appointment as Assistant Professors in 21(twenty-one) subjects. For all subjects, '4' candidates each were recommended and for Electronics, only '3' candidates were recommended for appointment as Assistant Professor. It may be noted that since 2(two) writ petitions with respect to Zoology subject [i.e. WP(C) Nos. 833 of 2021 & WP(C) No. 199 of 2024] were pending and in view of the interim order dated 13.12.2021, the result of the Zoology subject was not included in the notification dated 29.02.2024. Since the present cases relate to the Botany and Physics subjects, the selected candidates for these 2(two) subjects as included in the notification dated 29.02.2024 are reproduced below for easy reference:

Botany:

Sl. No.	Name of Candidate	Category	Status in writ petitions
1.	Sanatombi Devi Yumkham	UR	Petitioner in WP(C) No.495 of 2024
2.	Kamala Devi Thongram	UR	Petitioner no. 1 in WP(C) No. 633 of 2024
3.	Md. Asad Ali	OBC(MP)	Petitioner no. 2 in WP(C) No.633 of 2024
4.	Dominil Thangminlen Haokip	ST	Non-party in writ petitions

Physics:

Sl. No.	Name of Candidate	Category	Status in writ petitions
1.	Kshetrimayum Jugeshwar Singh	UR	Petitioner no. 1 in WP(C) No. 501 of 2024
2.	Longjam Lovedy Singh	UR	Petitioner in WP(C) No.486 of 2024
3.	Dr. Modhuchandra Singh Laishram	OBC(M)	Petitioner no. 2 in WP(C) No. 501 of 2024
4.	Solingyur Zimik Kachui	ST	Non-party in writ petitions

[6] While the petitioners were awaiting issuance of offer forms, it came to their notice that an emergency Syndicate meeting of DMU was held on 18.07.2024 at 11:00 am upon appointment of new Vice-Chancellor (in short, 'VC') of DMU for declaring result of various posts of teaching and non-teaching staff as Agenda no. I. Resolution no. (1) of the Agenda no. I relates to declaration of the results of non-teaching posts such as Registrar, Controller of Examinations, Deputy Registrar, Deputy Controller of Examination, Deputy Finance Officer, Assistant Registrar, Assistant Finance Officer, Assistant Controller of Examination, Section Officer, Office Assistant, Multi-Tasking Staff, Computer Operator, Driver, etc.; and Resolution no. (2) relates to declaration of the results of Assistant Professor. The new Vice-Chancellor requested the Syndicate to consider the earlier Notification no. 3/1/2018-DMU/Admn dated 29th February, 2024 as null and void because of the fact that the same was not issued with the approval of the State Government as mandated by the Department of Personnel vide Order No. RRDP-30/1/2021-DP-DP dated 15-08-2021 and Order No. RRDP-30/1/2021-DP-DP dated 11-04-2023 for declaring the result of

recruitment. The Syndicate, after due deliberation, agreed to treat the Notification No. 3/1/2018-DMU/Admn dated 29th February, 2024 as null and void. After this decision, the subject-wise recommendations of the Selection Committee were placed before the Syndicate. The Syndicate, after detailed deliberation, unanimously agreed to accept the recommendations of the teaching post; and also the additional posts of 60 (sixty) teaching faculty in 16 (sixteen) different subjects/departments. 'Table-A' consists of 19 (nineteen) subjects from the notification dated 29.02.2024 (excluding Physics & Botany) and 'Table-B' consists of additional recommendation in 14(fourteen) subjects and 'Table-C' consists of combined select list of 'Tables- A & B'. It is stated that in respect of Physics and Botany subjects, the data/tabulation sheets were allegedly found blank, no assessment was made against any of the candidates appeared in interview for the two subjects and the Syndicate after detailed deliberations unanimously resolved to conduct fresh interview of the candidates who were invited and appeared in the interview held earlier. It may be noted that the emergency Syndicate meeting held on 18.07.2024 also recommended 15 (fifteen) candidates (14 effective, 1 kept reserved as per this Court's order) in 'Table-B' for Zoology as the pending case had already been disposed of. Vide order dated 04.04.2024 passed by this Court in WP(C) No. 199 of 2024, this Court modified the interim order staying declaration of the result of Zoology by keeping 1(one) UR seat till the disposal of WP(C) No. 833 of 2021 and vide another order dated 29.05.2025, the WP(C) No. 833 of 2021 was dismissed by this Court and interim order was vacated.

[7] In pursuance to the approval in the emergency Syndicate meeting held on 18.07.2024, the VC of DMU issued another notification no. 3/1/2018-DMU/Rect./2020-I(Pt.) dated 18.07.2024 containing fresh list of candidates selected for appointment to the post of Assistant Professor in 19 (nineteen) departments, including additional posts as approved by the Syndicate in its meeting. However, the subjects of Physics and Botany were not included in the notification dated 18.07.2024; and in para 7, it was mentioned that fresh interview for candidates, who had already been called for and appeared in the earlier interview, would be conducted shortly. An addendum no.3/1/2018-DMU/Rect./2020-I(Pt) dated 18.07.2024 was issued by Registrar, DMU adding

paragraph 10 to the notification dated 18.07.2024 of fresh list of selected candidates for the posts of Assistant Professor, for superseding earlier notification dated 29.02.2024 and the said paragraph 10 is reproduced herein below:

"10. This Notification supersedes the earlier Notification No. 3/1/2018-DMU/Admn dated 29.02.2024 issued by this University notifying the list of selected candidates for the post of Assistant Professor in 21 (twenty-one) subjects/departments."

[8] Vide notification no. 3/1/2018-DMU/Rect./2020-II (Pt) dated 19.07.2024 issued by the Registrar, DMU, it was notified to all the candidates/applicants for the posts of Assistant Professor in Botany and Physics that an interview/viva-voce would be held w.e.f. 30th July, 2024. It was made clear that only those candidates who appeared in the earlier interview held from 16th to 18th October, 2021 and from 17th to 19th December, 2021 for Botany and Physics respectively would be eligible to appear for interview; and no fresh call letters would be issued. It may be noted that the notification dated 29.02.2024 was issued by former VC, Prof. N. Rajmuhon Singh; and notification dated 18.07.2024 was issued by new i/c VC, Mr. H. Gyan Prakash Singh who was holding the substantive post of Commissioner (Higher & Technical Education), Government of Manipur at the relevant time.

[9] In WP(C) No. 501 of 2024, WP(C) No. 495 of 2024, WP(C) No. 486 of 2024 and WP(C) No. 633 of 2024, the petitioners who were candidates recommended for the posts of Assistant Professor in Physics and Botany subjects, have inter-alia challenged and prayed for (i) quashing the minutes of the emergency Syndicate meeting of DMU held on 18.07.2024 and the notification dated 18.07.2024, so far relating to 'Resolution no.2 of the Agenda no.I' recommending cancellation of result of Physics and Botany subjects; (ii) for directing the DMU to appoint petitioners to the post of Assistant Professor in Physics and Botany in terms of the notification dated 29.02.2024; (iii) for quashing the addendum dated 18.07.2024 by which para 10 is inserted in the fresh selection notification dated 18.07.2024; and (iv) for quashing notification dated 19.07.2024 for conducting fresh interview for Physics & Botany subjects.

[10] WP(C) No. 728 of 2024 and WP(C) No. 580 of 2025 are filed by some of the candidates who are unsuccessful in the interview and whose names are not included in both the notifications dated 29.02.2024 as well as 18.07.2024 in the subject of Botany. In WP(C) No. 728 of 2024, the prayer is for a direction to hold interview/viva-voce for consideration of appointment to the posts of Assistant Professor (Botany), DMU in pursuant to Advertisement dated 19.12.2020 with reference to notification dated 19.07.2024 and Resolution no. 2 of the Syndicate meeting held on 18.07.2024. The prayer in WP(C) No. 580 of 2025 is for reviewing the recommendation vide notification dated 29.02.2024 to the post of Assistant Professor (Botany) as there was no marking for candidates and blank tabulation sheets against the candidates recommended and for inquiry against the private respondents. The prayers in this batch of writ petitions are separately reproduced below:-

(a) Prayers in WP(C) No. 501 of 2024: [Physics]

- i) issue rule nisi and call for the records;
- ii) issue a writ of certiorari or any other appropriate writ or direction for quashing and setting aside the impugned Notification dated 19-07-2024 (Annexure-A/9) so far as it relates to the Physics subject;
- iii) quash and set aside the impugned minutes of the Emergency Meeting of the Syndicate, Dhanamanjuri University held on 18-07-2024(Annexure-A/6) so far as it relates to resolution taken in Resolution 2 of Agenda 1 in respect of Physics subject;
- iv) issue a writ of mandamus or any other appropriate writ or direction directing the respondents to appoint the petitioners to the post of Assistant Professor of Physics in Dhanamanjuri University in terms of notification dated 29-02-2024 (Annexure-A/5) and
- v) pass such further order(s) or direction(s) which this Hon'ble Court deem fit and proper to secure the ends of justice.

(b) Prayers in WP(C) No. 495 of 2024: [Botany]

- i) Issue rule nisi calling upon the respondents to show cause as to why the prayer of the petitioner shall not be granted considering the facts and

circumstances of the present petition. If no cause is shown or insufficient cause is shown, to make the rule absolute;

- ii) Issue a writ of Certiorari or any other appropriate writ or direction for quashing and setting aside the impugned Notification dated 19/07/2024 (Annexure-A/8) so far as it relates to the Petitioner;
- iii) Issue a writ of Mandamus directing the respondents to include the name of the Petitioner in the impugned Notification dated 18/07/2024 (Annexure-A/3) so far as it relates to the Petitioner as she has already been selected vide earlier Notification dated 29/02/2024 (Annexure-A/1);
- iv) Stay/suspend the operation of the impugned Notification dated 19/07/2024 (Annexure-A/8) so far as it relates to the Petitioner so that no fresh interview for the selection of Assistant Professors be conducted as notified vide the above impugned Notification. (A separate misc. application has been filed praying for interim stay) and if the fresh interview is not and
- v) Pass any other Order/Writ/Direction which the Hon'ble Court deems fit, just and proper in the facts and circumstances of the present case.

(c) Prayers in WP(C) No. 486 of 2024: [Physics]

- i) issue rule nisi and call for the records;
- ii) issue a writ of certiorari or any other appropriate writ or direction for quashing and setting aside the impugned Notification dated 19.07.2024 (Annexure-A/6) so far as it relates to the Petitioner;
- iii) issue a writ of mandamus or direct the respondents to include the name of the Petitioner in the impugned Notification dated 18.07.2024 (Annexure-A/5) so far as it relates to the Petitioner as he has been already selected vide notification dated 29-02-2024 (Annexure-A/4);
- iv) Stay/suspend the operation of notification dated 19.07.2024 (Annexure-A/6) so far as it relates to the Petitioner (separate misc. application has been filed for interim stay);
- v) pass such further order(s) or direction(s) which this Hon'ble Court deem fit and proper to secure the ends of justice.

(d) Prayers in WP(C) No. 633 of 2024: [Botany]

- i) issue rule nisi and call for the records;
- ii) quash and set aside the impugned minutes of the Emergency Meeting of the Syndicate, Dhanamanjuri University held on 18-07-2024 so far as it relates to resolution taken in Resolution 2 of Agenda 1 in respect of Botany subject (at Annexure-A/5);
- iii) quash impugned Addendum being No. 3/1/2018-DMU/Rect./2020-I(Pt) dated 18th July, 2024 by which Para 10 is inserted in the fresh selection Notification dated 18/7/2024 (at Annexure-A/7);
- iv) quash the Impugned Notification No. 3/1/2018-DMU/Rect/2020-II (Pt) dated 19-07-2024 (Annexure-A/8) so far as it relates to Botany subject;
- v) issue a writ of mandamus or any other appropriate writ or direction directing the Respondents to appoint the Petitioners to the post of Botany Assistant Professor of Botany in Dhanamanjuri University in terms of Notification dated 29-02-2024 (Annexure-A/4);
- vi) pass such further order(s) or direction(s) which this Hon'ble Court deem fit and proper to secure the ends of justice.

(e) Prayers in WP(C) No. 728 of 2024: [Botany: by Unsuccessful Candidates]

- i) To admit the present writ petition.
- ii) To issue rule nisi calling upon the respondents to show cause as to why prayer made by the petitioners shall not be granted in the facts and circumstances of the present petition.
- iii) To issue a writ of Mandamus or any other appropriate writ/ order/ direction to hold interview/viva-voce for consideration of appointment to the post of Assistant Professor (Botany), Dhanamanjuri University in pursuant to Advertisement No. 03/2020 (No. 3/1/2018-DMU/Rect/2020-II) dated 19-12-2020 read with Notification No. 3/1/2018-DMU/Rect/2020-II(Pt) dated 19-07-2024 and Resolution no. 2 of the Syndicate meeting held on 18-07-2024 expeditiously, in view of the facts and circumstances of the present petition.

- iv) If no cause is shown or insufficient cause is shown, make the rule absolute.
- v) To call for the relevant records.
- vi) To pass any order/ writ/ direction which the Hon'ble Court deem fit and proper in the facts and circumstances of the present case.

(f) Prayers in WP(C) No. 580 of 2025: [Botany: by Unsuccessful Candidates]

- i) To admit the present writ petition.
- ii) To issue rule nisi calling upon the respondents to show cause as to why prayer made by the petitioners shall not be granted in the facts and circumstances of the present petition.
- iii) To issue a writ of certiorari/ Mandamus or any other appropriate writ/ order/ direction to quash and set aside / review the entire selection process as to how the private respondents were selected/ recommended for appointment to the post of Assistant Professors (Botany) of Dhanamanjuri University vide impugned Notification No. 3/1/2018-DMU/ADmn dated 29-02-2024(AT ANNEXURE-A/4) issued by the Vice-Chancellor, Dhanamanjuri University superseded by the Notification No. 3/1/2018-DMU/Rect./2020-i(Pt) dated 18-07-2024 issued by the Vice-Chancellor, Dhanamanjuri University Manipur read with Addendum No. 3/1/2018-DMU/Rect./2020-I(Pt) dated 18-07-2024 issued by the Registrar, Dhanamanjuri University (AT ANNEXURE-A/5 & A/7) when the data/tabulation sheet was found blank, no assessment mark was marked against the candidate for the subject of Botany as reflected in resolution No.2 of the Minutes of Emergency Syndicate meeting dated 18-07-2024 of Dhanamanjuri University (AT ANNEXURE-A/6), in view of the facts and circumstances of the present petition.
- iv) To issue a writ of Mandamus or any other appropriate writ/ order/ direction to finalize/ complete/ conclude the enquiry against the private respondents by the constituted committee vide Order No. 3/1/2018-DMU/Rect/2020-I(Pt) dated 26-07-2024 (AT ANNEXURE-A/10) issued by

the Registrar, Dhanamanjuri University within a time bound manner, in view of the facts and circumstances of the present petition.

- v) To issue a writ of Mandamus or any other appropriate writ/ order/ direction to consider for appointment of the petitioners to the post of Assistant Professors (Botany), Dhanamanjuri University against the available vacancies of Botany, in view of the facts and circumstances of the present petition.
- vi) If no cause is shown or insufficient cause is shown, make the rule absolute.
- vii) To call for the entire proceeding and for rendering absolute justice.
- viii) To pass any order/ writ/ direction which the Hon'ble Court deem fit and proper in the facts and circumstances of the present case

[11] The petitioners in WP(C) No. 495 of 2024 has also filed an application, being MC(WP(C)) No. 710 of 2024, for quashing/setting aside the impugned minutes of the emergency Syndicate meeting of DMU held on 18.07.2024 as far as it relates to 'Resolution 2 of Agenda I' in respect of Botany subject as well as the Addendum dated 18.07.2024. It is stated that the applicant/petitioner came to know about the existence of the addendum dated 18.07.2024, only when the counsel for the respondent no. 1 made submission about the same before this Court. In the circumstances, it is prayed to quash and set aside of impugned minutes of the Emergency Meeting of the Syndicate, Dhanamanjuri University held on 18.07.2024 (**Annexure-M/1**) so far as it relates to resolution taken in 'Resolution 2 of Agenda I' in respect of Botany subject as well as the Addendum dated 18.07.2024 (**Annexure-M/3**).

[12] MC(WP(C)) No. 713 of 2024 is filed by the petitioner in WP(C) No. 486 of 2024 for inserting prayer no. (ii) A, B & C for quashing/setting aside of (a) addendum dated 18.07.2024; (b) for para no. 7 of the notification dated 18.07.2024 and (c) the emergency Syndicate meeting held on 18.07.2024 'Resolution no. 2 of Agenda no. I' with respect to Physics subject.

[13] MC(WP(C)) No.714 of 2024 is filed by the petitioner in WP(C) No. 486 of 2024 for a direction to bring on record of recommendation sheets of all

22 (twenty-two) subjects including Physics prepared by the Selection Committee for the selection of 83 (eighty-three) candidates vide advertisement dated 19.12.2020. Vide order dated 16.10.2025 while reserving the cases for judgment, the prayer for calling records of the proceeding from DMU was not considered as the same being subject matter of vigilance case.

[14] MC(WP(C)) No. 628 of 2024 in WP(C) No. 486 of 2024; MC(WP(C)) No. 624 of 2024 in WP(C) No. 495 of 2024 and MC(WP(C)) No. 625 of 2024 in WP(C) No. 501 of 2024 are filed by the State of Manipur and DMU for vacation of the interim orders dated 23.07.2024, 29.07.2024 and 23.08.2024, where there were interim orders staying declaration of result and fresh interview for Physics and Botany subjects in terms of notification dated 19.07.2024. Vide common order dated 22.08.2024, this Court modified the above interim orders allowing DMU to conduct fresh interview for additional posts of '9' & '7' in Physics and Botany, keeping the stay order confined to the '4' posts each for Physics and Botany subjects, which were recommended for selection by notification dated 29.02.2024.

[15] MC(WP(C)) No. 550 of 2025 in WP(C) No. 580 of 2025 is filed by the unsuccessful candidates in Botany for stay of the notification dated 29.02.2024.

[16] MC(WP(C)) No. 415 of 2024 in WP(C) No. 486 of 2024; MC(WP(C)) No. 421 of 2024 in WP(C) No. 495 of 2024 and MC(WP(C)) No. 428 of 2024 in WP(C) No. 501 of 2024 are filed by the petitioners for stay of the notification dated 19.07.2024 issued by DMU calling for fresh interview for Botany and Physics subjects as recommended by the Syndicate in its meeting held on 18.07.2024. It may be noted that vide order dated 29.07.2024 in connected cases, this Court stayed the notification dated 19.07.2024 for holding fresh interview for Physics and Botany.

[17] MC(WP(C)) No. 530 of 2024 in WP(C) No. 633 of 2024 is filed by the petitioners for stay of the proceedings of emergency Syndicate meeting held on 18.07.2024 and addendum dated 18.07.2024. Vide orders dated 23.07.2024, 29.07.2024 and 23.08.2024, this Court passed interim orders staying declaration

of result of the interview in terms of notification dated 19.07.2024 and subsequently, stay of the interview for 4 posts each for Botany and Physics in terms of notification dated 19.07.2024. However, stay order was modified vide order dated 22.08.2025.

[18] MC(WP(C)) No. 565 of 2025 in WP(C) No. 728 of 2024 and MC(WP(C)) No. 567 of 2025 in WP(C) No. 580 of 2025 are filed by the petitioners (unsuccessful candidates in Botany) for tagging the main writ petitions along with the connected writ petitions and vide order dated 12.08.2025, WP(C) No. 728 of 2024 and WP(C) No. 580 of 2025 were tagged along with other connected matter. Accordingly, all the writ petitions and applications are heard together and are being disposed by this common judgment and order.

[19] On 23.07.2024, this Court issued notice to the respondents in WP(C) No. 486 of 2024 and directed that the result of the interview to be conducted on 30.07.2024 should not be declared without the leave of this Court and 1(one) seat be kept apart. On 29.07.2024, WP(C) No. 501 of 2024 and connected misc. application being MC(WP(C)) No.428 of 2024 were taken up for hearing and this Court stayed the notification dated 19.07.2024 for holding interview w.e.f. 30.07.2024 till the next date and it was clarified that the prayer of interim relief would be considered after getting instructions from DMU and interim order has been extended from time to time. On 24.07.2025, this Court directed DMU to explain- (i) the number of seats proposed to be available for Botany and Physics subjects as on date and number of seats proposed for the fresh interview by the notification dated 19.07.2024 and (ii) whether the candidates in the notification dated 29.02.2024 are included in toto in the subsequent notification dated 18.07.2024 except for Botany and Physics.

[20] In pursuance to the above directions in order dated 24.07.2025, the Registrar, DMU filed an affidavit dated 20.08.2025 stating that (i) the candidates selected in the notification dated 29.02.2024 are included in toto in the subsequent notification dated 18.07.2024 except for Botany & Physics; and (ii) number of seats available for Botany and Physics are '7' and '9' additional seats respectively in addition to '4' seats each already advertised earlier, i.e., '11' [4+7] & '13' [4+9] seats in total. Since the present batch of writ petitions

concerned with 4 seats of Botany and 4 seats of Physics subjects and in the circumstances, the interim order dated 29.07.2024 was modified by another order dated 22.08.2025 by giving liberty to DMU to conduct proposed fresh interview for '7' additional seats of Botany and '9' additional seats of Physics for the post of Assistant Professor, keeping apart 4 seats each for Physics and Botany as included in the notification dated 29.02.2024. In other words, the interim order dated 29.07.2024 staying the process for interview for Botany and Physics was modified by a subsequent order dated 22.08.2025 permitting the DMU to hold interview for the '7' additional seats in Botany and '9' additional seats in Physics for the post of Assistant Professor. However, the interim order staying the interview for the 4 seats of Botany and 4 seats of Physics as recommended in notification dated 29.02.2024 was not disrupted with a direction not to make any appointment against these '8' seats in litigation.

[21] It is the case of the petitioners that in the social media page of the Raj Bhavan, Manipur regarding delay in declaring recruitment, it was explained to Hon'ble Governor by in-charge "*VC, H. Gyan Prakash that tabulation submitted by the examining by authority was incomplete, and listing only four candidates each for Botany and Physics, while eleven and thirteen positions needed to be filled respectively*".

[22] It is the specific case of the petitioners that since 4 seats have already been notified for each subject in the advertisement dated 19.12.2020, the selection of '4' candidates each in Physics and Botany vide notification dated 29.02.2024 is correct. The proposed interview, in terms of the notification dated 19.07.2024, should be confined to '7' additional posts of Botany and '9' additional posts of Physics and the petitioners, who have already been recommended for selection by notification dated 29.02.2024, should not be made to take part in the fresh interview along with the other candidates for the new additional posts. The common grounds for challenge in all these writ petitions are- (i) deletion of the name of the successful candidates from the impugned notification dated 18.07.2024 is discrimination against the similarly situated persons like the petitioners and violates Article 14 of the Constitution; (ii) the notification dated 18.07.2024 is arbitrary, illegal and void with respect to the modification to the

earlier result dated 29.02.2024 without any reason of cancelling the appointment of Assistant Professor in Botany and Physics; (iii) the impugned notification dated 18.07.2024 will affect the seniority of the petitioners vis-à-vis the freshly recommended additional candidates in Table 'B'; (iv) approval of the State Govt. is not required for declaration of the result vide notification dated 29.02.2024; (v) the only reason of non-approval by State Government for declaration of result attributed in the emergency Syndicate meeting held on 18.07.2024 for cancellation of the whole result, is not sustainable; (vi) DMU is bound by Dhanamanjuri University Act, 2017; (vii) 3 (three) external subject experts in Physics and Botany have already intimated the DMU that they had accessed the performances of all the candidates appeared for interview, marked accordingly and prepared recommendation list on merit; and (viii) the stand of the respondents, especially DMU, is contrary to the stand taken by DMU in WP(C) No. 790 of 2023 to the extent that- (a) the process of interview had already been completed in the month of July, 2022; (b) the DMU being a statutory body operated under the DMU Act, 2017, the OMs dated 16.08.2021 & 11.04.2023 would not be applicable to the DMU; and (c) if so, such situation would amount to change of the rule after the recruitment was initiated in the year, 2020.

[23] The official respondents, i.e. State of Manipur and DMU, have filed common affidavits-in-opposition (counter affidavits) sworn by the Joint Secretary (Hr. & Tech. Education), Government of Manipur inter-alia stating that DMU published advertisement dated 19.12.2020 for filling up 88 (eighty-eight) vacancies of Assistant Professor in 22 subjects and mode of selection is viva-voce/personal interview. In 2 subjects, i.e., Physics and Botany, the score sheets/tabulation sheets were found to be blank and the candidates were not assessed by the Selection Committee. In terms of the Office Memoranda dated 16.08.2021 and 11.04.2023, approval of the Department of Personnel and Administrative Reforms, Govt. of Manipur (in short DP, Govt. of Manipur) is required for recruitment and declaration of result of any recruitment examination conducted by departments other than MPSC (Manipur Public Service Commission) and the same is extended to other agencies, PSUs, companies, societies, autonomous bodies under the State Govt. including Universities and institutes of higher learning and the aforesaid OMs are reproduced below:

*"Government of Manipur
Department of Personnel and Administrative Reforms
(Personnel Division)*

**OFFICE MEMORANDUM
Imphal, the 16th August, 2021**

No RRDP-30/1/2021-DP-DP: *The State Cabinet has taken a decision to review Office Memorandum No. RRDP-30/1/2021 -DP-DP dated 16.07.2021 in its meeting held on 07.08.2021 with a view to delineate procedure to be followed by all Departments under the State Government and its agencies (including PSUs, companies, societies, autonomous bodies) on matter concerning recruitments, for better clarity on the matter. The decision of the State Cabinet are communicated herewith for compliance thereof, and/or necessary action thereon, by all Departments under the State Government and its agencies. 'Department' in the following paras includes agencies, PUs, companies, societies, autonomous bodies under the State Government.*

2. Accordingly, the following instructions are issued for compliance by all Departments with immediate effect and until further orders:

2.1 Concurrence of Department of Personnel (DP) shall be obtained by all Departments for taking up recruitments under the said policy.

2.2 Concurrence of DP will be sufficient for taking up recruitments by all Departments where:

- i) The proposed recruitment falls under the type of recruitments covered by the OM dated 16.07.2021;*
- ii) The proposal fulfils all instructions covered by the said OM;*
- iii) The proposal is in accordance with other extant norms for conduct of recruitment examinations;*

- iv) *The proposal is in accordance with norms for filling up vacancies as per 200 point reservation roster; and*
- v) *The remuneration norms proposed for the recruitment are in accordance with OM issued by FD (PIC), in pursuance of OM issued by DP dated 16.7.2021.*

2.3 For such cases in para 2.2 above, approval of Cabinet will not be required. Further, separate relaxation from ban on recruitment imposed by FD will not be required for these cases.

2.4 The following type of proposals for recruitment will require approval of Cabinet:

- i) *Type of recruitment which are not covered by the said OM of DP dated 16.7.2021 (example: recruitment under Centrally Sponsored Schemes);*
- ii) *Proposals which are not in accordance with extant norms for conduct of recruitment examinations;*
- iii) *Proposals which involve creation of posts;*
- iv) *Proposals in which remuneration norms are not in accordance with OM issued by FD (PIC), in pursuance of OM issued by DP dated 16.7.2021;*
- v) *Proposals which in general, are contrary to any instruction of DP contained in the OM dated 16.07.2021, or any modification thereto, or any rule or subsequent instruction issued in connection with recruitments.*

2.5 Further, approval of DP will continue to be required before declaration of results of recruitment examinations (by whatever name called) conducted by departments other than the Manipur Public Service Commission.

2.6 All approvals accorded earlier by Cabinet (that is, decisions taken prior to 06.07.2021) for recruitment on regular basis (that is, for recruitments to which the OM dated 16.07.2021 applies), and for which recruitment notifications were yet to be issued as on 06.07.2021, stands superseded by Cabinet decision dated 06.07.2021 as reflected vide OM dated 16.07.2021 and therefore,

such recruitments shall be taken up on contractual basis in accordance with the instructions contained in the said OM, and its amendments. It will be the responsibility of the Administrative Secretary of the Department concerned to ensure that the terms and conditions of employment including remuneration, extant norms for conduct of recruitment examinations, observance of 200-point roster, are in accordance with all rules, and standing instructions of Government in this regard. Separate concurrence of Department of Personnel shall not be required for these cases.

Sd/-

(Dr. Rajesh Kumar)

Chief Secretary

Govt. of Manipur

Memo No. RRDP-30/1/2021-DP-DP Imphal, the 16th August, 2021

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"GOVERNMENT OF MANIPUR

Department of Personnel & Administrative Reforms

(Personnel Division)

OFFICE MEMORANDUM

Imphal, 11th April, 2023

No. RRDP-30/1/2021-DP-DP: This is to reiterate that OM No. RRDP-30/1/2021-DP-DP dated 16-08-2021 regarding recruitments and declaration of results applies to all State Government Departments and its agencies, PSUs, companies, societies, autonomous bodies under the State Government including Universities and institutes of higher learning.

2. Any deviation therefrom, or violation thereof, will invite adverse scrutiny of the Vigilance Department.

Sd/-

(Ningthoujam Geoffrey)

[24] In the counter affidavits of the official respondents, it is averred that the Registrar of the DMU sought the permission from the Department of Personnel and Administrative Reforms, Govt. of Manipur for declaration of result, but the same was not granted till the issuance of notification dated 29.02.2024. Hence, declaration of result of the appointment to the post of 83 (eighty-three) Assistant Professors by the then VC was without approval conveyed by the DP, Govt. of Manipur and the 11th emergency Syndicate meeting held on 27.02.2024 was conveyed by the former VC without the knowledge of the Registrar, DMU. The Registrar wrote a letter dated 30.03.2024 to the Joint Secretary (Higher & Technical Education), Govt. of Manipur for requisite information on the DMU notification dated 29.02.2024 for declaring 83 (eighty-three) Assistant Professors by the former VC. *[It may be noted that both the then Registrar, DMU and the then Joint Secretary (Hr. & Tech. Education), Government of Manipur were one and same person, i.e., Dr. Nivedita Lairenlakpam].* It is also stated that in terms of the letter dated 30.03.2024, the Registrar, DMU, Manipur sent the Finance Officer and 2 (two) assistant staff of the DMU to collect the tabulation sheets of 83 posts of Assistant Professor from the residence of Prof. N. Rajmuhon Singh, former VC on 13.07.2024. The Finance Officer, DMU collected the data/tabulation sheets from the former VC residence consisting of 22 (twenty-two) envelopes. Thereafter, the said 22 envelopes were opened in presence of the 3 (three) members, i.e., new VC, Registrar and Finance Officer on 13.07.2024 and the same was opened in the office room of the Commissioner (Higher & Technical Education), Govt. of Manipur (who is the new VC, DMU) for preparation of overall merit list for the 22 (twenty-two) subjects. In the envelopes containing Physics and Botany subjects, tabulation sheets were found as below:

Physics:

Sl. No.	Sheet No.	No. of candidates	Present	Absentees
i)	1	17	Blank	Blank
ii)	2	21	Blank	Blank
iii)	3	15	Blank	Blank

Botany:

Sl. No.	Sheet No.	No. of candidates	Present	Absentees
i)	1	17	Blank	Blank
ii)	2	21	Blank	Blank
iii)	3	12	Blank	Blank

[25] It is further submitted that the tabulation sheets of 53 (fifty-three) candidates for Physics subject were found as blank and the tabulation sheets of 50 (fifty) candidates for Botany were also found as blank. Subsequently, due to non-availability of the working-sheets in the envelopes, the overall merit for Physics and Botany could not be prepared and the same was placed before the Syndicate for final decision.

[26] The counter affidavits of the official respondents further mention that the Registrar, Dhanamanjuri University Manipur issued a meeting notice dated 18.07.2024 calling an Emergency Meeting of the Syndicate on 18th July, 2024 at the conference Hall of Dhanamanjuri University to discuss the declaration of result of recruitment of various posts (Teaching and Non-Teaching). In the emergency Syndicate meeting, the new VC, DMU requested the Syndicate to consider the earlier notification dated 29.02.2024 appointing/recommending 83 (eighty-three) posts of Assistant Professor in 21 (twenty-one) subjects as null and void, as the same was issued without approval of DP, Govt. of Manipur in terms of OM's dated 16.08.2021 and 11.04.2023. The Syndicate accepted the proposal of the new VC, DMU and declared the notification dated 29.02.2024 issued by former VC as null and void; also agreed to accept the earlier recommendations made by the Selection Committee for appointment to the teaching posts; and approved additional 60 (sixty) teaching posts in 16 (sixteen) different subjects/departments excluding the subjects of Physics and Botany. In respect of Physics and Botany, the data/tabulation sheets were allegedly found blank and marks were not assigned against any of the candidates. The Syndicate, after detailed deliberations, unanimously resolved to conduct fresh interview of the candidates who were invited and came for the interview held earlier. It is also stated that Statute 27(iv) of Second Schedule of the DMU Act, 2017 empowers the Syndicate to reject the recommendation of the Selection

Committee and direct the Registrar to advertise the vacancy again and convene a meeting of the Selection Committee for making fresh recommendation. Since the Syndicate, in its emergency meeting held on 18.07.2024, considered the materials on record and resolved to declare the notification dated 29.02.2024 for declaration of result as null & void, there is no illegality in calling for fresh interview for the subjects of Physics and Botany. Statute 27(iv) of DMU Act, 2017 empowers the Syndicate to reject the recommendation of the Selection Committee. In its meeting held on 18.07.2024, the Syndicate considered the materials on record and found that the declaration of the result vide notification dated 29.02.2024 was without the approval of the DP, Govt. of Manipur and also absence of tabulation sheets for Physics and Botany. It is highlighted that there was no illegality in the cancellation of notification dated 29.02.2024 and issuing fresh notification dated 19.07.2024 for fixing the fresh interview for the subjects of Physics and Botany to be held on 30.07.2024 in pursuance to Resolution No. 2 of the Syndicate meeting held on 18.07.2024. It is also averred that Professor Sumitra Phanjoubam, Department of Physics, Manipur University who was one of the subject experts for Physics in the Selection Committee should be made as a party in the present case. It is also stated that DMU has never sought clarification from the subject expert about the tabulation sheet of Physics and the letter submitted by the subject expert and explanation ought not be taken by the Authority.

[27] It is stated in the counter affidavits that declaration of the result dated 29.02.2024 by the former VC, DMU was done without the approval of DP, Govt. of Manipur and Higher & Technical Education, Govt. of Manipur. Considering the non-availability of marking and blank the tabulation/ data sheets for Physic and Botany, the question of opportunity of being heard to the petitioners and selected candidates is not required for cancellation of the selection list issued by the former VC, DMU.

[28] Professor N. Rajmuhon Singh, who is respondent no. 4 in WP(C) No. 501 of 2024 & WP(C) No. 633 of 2024 and former VC of DMU who issued notification dated 29.02.2024, has also filed an affidavit-in-opposition (counter affidavit) in WP(C) No. 501 of 2024 and the same is treated as his counter

affidavit in all the cases. He refers to Statutes 3 and 7 of Second Schedule of the DMU Act, 2017 which stipulate the powers and duties of the VC & Registrar. Statute 3(iii) confers upon the VC the power to convene meetings of the Senate, the Syndicate and the Academic Council and shall perform all such acts as may be necessary to carry out the provisions of the Act, the Statutes and the Ordinances and Statute 7(iv) provides that the Registrar shall be the custodian of the records, the common seal and such other properties of the University as the Syndicate shall commit to his charge. It is stated that a letter dated 23.07.2024 was served on him by DMU for explanation with regard to the blank data/tabulation sheets in Physics and Botany subjects. The former VC explained the same by a letter dated 24.07.2024 to the VC in-charge, DMU. In para 13 of the counter affidavit, the former VC has explained the whole procedure of interview for the 22 (twenty-two) subjects including 2(two) subjects of Botany and Physics. It further explains that the mark tabulation sheets/score-sheets for the candidates of each subject were also made by the 3 (three) subject experts after due evaluation, critically & honestly and the proceedings containing the list of recommended candidates were signed by Selection Committee, the corresponding mark tabulation-sheets were submitted to the former VC in sealed envelope after the interview. Interview was conducted for the appointment of 88 (eighty-eight) posts of Assistant Professor in 22 (twenty-two) different subjects/ departments. While conducting the interview of the candidates for 6 (six) subjects including Physics and Botany, one external expert for each of 6 subjects participated via online mode. The former VC handed over the signed proceedings and tabulation sheets to the then Registrar, Dr. Nivedita Lairenlakpam, for taking required signatures of the concerned subject experts who participated online. After obtaining the signatures from the subject experts, the then Registrar returned the documents to the former VC and the same was kept in sealed envelope inside almirah and retained with keys.

[29] The counter affidavit of the former VC continues that vide order dated 08.02.2024 in W.P. (C) No. 790 of 2023, this Court directed the authority of DMU to declare the result within the stipulated time of 4 weeks. Thereafter, the 11th Syndicate Meeting was held on 27th February, 2024 and as per Resolution No.2 of the proceedings of this 11th Syndicate meeting of DMU,

approval was given for appointment of 83 (eighty-three) Assistant Professors of the DMU in 21 (twenty-one) different subjects and the result was declared by notification dated 29.02.2024. After his retirement, the result of remaining 1(one) subject was declared on 18th July 2024. It is submitted that in the Syndicate meeting, the tabulation sheets (score-marks) are not usually shown to the Syndicate members as it is highly confidential and the proceedings containing the list of recommended candidates by the Selection Committee are produced for approval in the Syndicate meeting and the same procedure is being followed in all Universities. As per the DMU Act, the Registrar is the custodian of all the aforesaid records. Since the service of the Registrar was not readily available at the relevant as she was the in-charge of other Administrative Department, the former VC retained the same and the proceedings, mark tabulation sheets of all 22(twenty two) subjects were subsequently returned to the Registrar for safe custody. 'Para 13' of the affidavit-in-opposition of former VC, DMU is reproduced below:

"13. That, with reference to paragraph No.11 of the writ petition, the deponent has nothing to say and the same is matter of record. However, the deponent desires to state that, regarding absence of mark tabulation sheet, an office letter No.3/1/2018-DMU/Rect/2020-1 dated 23/7/2024 was served to the deponent. The deponent also explained by serving a letter dated 24/7/2024 and the same is reproduced as hereunder:-

"1. The lists of the recommended candidates based on interview performance and assessed by selection Committee/Board for the two subjects Botany and Physics were made on 18/10/2021 and 19/12/2021 respectively.

The mark tabulation sheets/score-sheets for the candidates of each subject were also made by the three subject experts after due evaluation critically and honestly.

And, the proceedings containing the list of recommended candidates signed by Selection Committee, and the corresponding mark tabulation-sheets were submitted to me in sealed enveloped after process of the interview.

2. Altogether the selection/interview was done for the appointment of 88 (eighty eight) post of Assistant Professors for 22 (twenty two) different subjects/departments.

While conducting the interview of the candidates for 6 (six) subjects, one each of subject expert participated in online mode during COVID-19.

The said subjects are given below:

i) Anthropology (one expert from NEHU)

i) Botany (one expert from G.U)

ii) Chemistry (one expert from IACS)

iv) Physics (one expert from Dibrugarh University)

v) Electronics (one expert from IIT, Guwahati)

vi) Law (one expert from Sambalpur University, Odisha)

Subsequently, I handed over the Proceedings and Tabulation-sheets of each of the above subjects to the Registrar, Dr. Nivedita Lairenlakpam, entrusting her to acquire the required signatures or the concerned subject experts who participated online. After acquiring the signatures, the then Registrar had returned the same to my office. With the help of office assistant the envelopes containing the documents were kept inside almirah and retained the keys.

3. As per the direction of the Hon'ble High Court of Manipur in W.P. (C) No. 790 of 2023 dated 08.02.2024 directing the authority of DM University to declare the results within the stipulated time, the 11th Syndicate Meeting was held on 27th February, 2024. As per Resolution No.2 of the Proceedings of this 11th Syndicate Meeting of Dhanamaniuri University, the names of the selected candidates for the appointment of 83 (Eighty three) Assistant Professors of the DMU in 21 (twenty one) different subjects had been declared.

After my retirement, the remaining 1 subject was declared on 18th July 2024.

4. It is submitted that, normally, in the Syndicate Meeting, the Tabulation Sheets (score-marks) are not shown to the Syndicate member as it is highly confidential. And the proceedings containing the list recommended candidates are produce for approval in the Syndicate meeting. The same practice is followed in other Universities of the country, also.

5. After the declaration of the result, it is expected that any candidate may approach to the University Authority to obtain the information through RTI Act. All those records (Tabulation sheets score-marks) were kept under lock and key till such period. I was compelled to maintain those records due to non-availability of any responsible person in the University.

6. As per the University Act, the Registrar is the custodian of all the aforesaid records. Such records are also maintained by me due to the non-availability of Registrar's service in the office of the Vice-Chancellor most of the time.

As the then Registrar of DM University is not only a Registrar but also rendering her usual service in the government departments: i) Director of Transport and ii) Additional Secretary of Higher and Technical Education.

7. Lastly, the proceedings and the Mark Tabulation Sheets of all the 22 subjects had been returned to the then Registrar, Dhanamanjuri University."

[30] In the rejoinder affidavits, the specific case of the petitioners is that there is no provision of scoresheet or tabulation sheet to be produced before the Syndicate meeting in DMU. The candidates are selected on the subjective satisfaction of the Selection Committee on the basis of their performance in the interview after shortlisting and the list of recommended candidates was based on the performance of the candidates and on the collective satisfaction of the Selection Committee. Further, the statement that the scoresheets and tabulation sheets in Physics and Botany were found blank is contrary to the statement of

subject experts namely Prof. Sumitra Phanjoubam and Prof. M. Shyamkesho Singh. Vide letter dated 20.07.2024 (**Annexure-A/16 in WP(C) No. 486 of 2024**) to VC, DMU, Prof. Sumitra explained that the subject experts critically and honestly evaluated the candidates and marks were given to the candidates. It may be pertinent to mention here that another subject expert namely Prof. Bosasanta Ranjan Boruah also stated vide email dated 21.10.2024 that during the proceeding from 17th to 19th December, 2021 the board interviewed each candidate elaborately and gave marks on the basis of assessment and merit list was prepared on the basis of the final mark. Similarly, for the subject Botany, Prof. M. Shyamkesho Singh (Retd.) of Department of Life Sciences, Manipur University submitted a letter dated 06.06.2025 (**Annexure-A/13 in WP(C) No. 633 of 2024**) to the VC, DMU stating that he was one of the subject experts for Botany for the interview held from 16.10.2021 to 18.10.2021. He along with 2 other subject experts conducted the evaluation of the candidates based on their performance during the interview and scored the candidates according to their merit and made recommendation for appointment as Assistant Professors in Botany in DMU. It is also stated that the recommendation letter and data/tabulation sheet were duly signed and submitted to Prof. N. Rajmuhon Singh, the then Vice-Chancellor and the Chairman of the Selection Committee. It is further stated by the subject experts that the clarification is given to clear any doubt regarding the clarity of the Selection Process. In the rejoinder affidavits, it is also explained that for the mistake committed by the University and inability of the authority to maintain the scoresheets and tabulation sheets submitted by the Selection Committee after declaration of the result with the approval of the Syndicate, the University cannot cancel the selection process on the grounds that scoresheets and tabulation sheets are found to be blank. After acceptance of the recommendations of the Selection Committee by the Syndicate in its 11th meeting held on 27.02.2024, the University cannot take a U-turn and declare the notification dated 29.02.2024 as null and void after change of VC and Syndicate members, as the same is barred by the principle of estoppel. It is also stated that approval of DP, Govt. of Manipur is not required for declaring the result of the selection process in accordance with the provision of the DMU Act, 2017 and there is no illegality in declaring the result of the selection process for

appointment of Assistant Professor in DMU by notification dated 29.02.2024. It is also stated that declaration of the result of the selection process was in accordance with the direction of this Court in order dated 08.02.2024 in WP(C) No. 790 of 2024 to declare the result of the recruitment process in pursuance to the advertisement dated 19.12.2020.

[31] In the rejoinder affidavits of the petitioners, it is also stated that the former VC called an emergency Syndicate meeting of DMU on 27.02.2024, vide meeting notice dated 21.02.2024, to discuss the agenda for declaration of result in compliance of direction of this Court in order dated 08.02.2024 in WP(C) No. 790 of 2023 for declaration of result of Direct Recruitment of Assistant Professors of Dhanamanjuri University within 4(four) weeks and a copy of the notice dated 21.02.2024 was also marked to all concerned including the Registrar, DMU. In the circumstances, the statement in the counter affidavit of the official respondents that Registrar, DMU has no knowledge about the Syndicate meeting held on 27.02.2024 is wrong and misleading. It is also stated that the VC has power [under Statute 3(iii) appended to the DMU Act] to convene meeting of the Syndicate and approval of the Registrar is not required for holding such meeting. OM dated 16.08.2021 issued by DP, Govt. of Manipur did not include University and it was included in the year 2023, vide OM dated 11.04.2023 and the same will not be applicable in the issuance of the notification dated 29.02.2024 for selection of Assistant Professors initiated vide advertisement dated 19.12.2020. It is further stated that the Syndicate is the authority to accept or not to accept recommendation of the Selection Committee. However, instead of submitting the records of the Selection Committee proceedings before the Syndicate, the Registrar opened the same in the presence of the in-charge VC, Registrar and Finance Officer without any authority. Such action of the Registrar is seemed to have been done to nullify the recommendation in respect of Physics and Botany with ulterior motive. Hence, tampering of the contents of the envelope cannot be ruled out and there is no requirement of placing the scoresheet or tabulation sheet before the Syndicate either to accept or reject the recommendation of the Selection Committee. It is also pointed out that before declaring the notification dated 29.02.2024 as null and void and deciding to hold fresh interview in respect of Physics and Botany

on the ground of blank tabulation sheet, the Syndicate ought to have remitted the matter to the Selection Committee before declaring the same as null and void. If the Syndicate is still not able to accept the recommendation submitted by the Selection Committee after reconsideration, the Syndicate ought to have placed the same by recordings its reason in writing before the Chancellor for passing appropriate order in terms of Statute 27(v). The recommendation of the Selection Committee had already been approved by the earlier Syndicate; and after the change of the VC and members of the Syndicate, the aforesaid decision of cancellation of notification dated 29.02.2024 was taken in total violation of the provision of Statute 27(v) of the DMU Act, 2017. The decision of the Syndicate, in its meeting held on 18.07.2024 declaring the notification dated 29.02.2024 as null and void and to hold fresh interview in Physics and Botany, is liable to be quashed on this ground alone. The former VC, who was the Chairman of the Selection Committee has been impleaded as a party in some of the writ petitions especially, WP(C) No. 501 of 2024 & WP(C) No. 495 of 2024. Hence, the burden of marks awarded against the candidates by the subject experts cannot be transferred to the petitioners and the University has to ascertain whether marks were awarded against the candidates or not. It is alleged in the rejoinder affidavits that scoresheets and tabulation sheets were intentionally made to disappear by some vested interested party with ulterior motive. Since the reasons mentioned in the cancellation of the notification dated 29.02.2024 declaring the same as null and void cannot be sustained, it is stated that the decision of holding fresh interview for Physics and Botany cannot be accepted. The view of the subject experts about the marking to the candidates in Physics has been deliberately concealed from this Court.

[32] For easy reference, the relevant provisions of the **Dhanamanjuri University Act, 2017** (Manipur Act No.9 of 2017; as amended by Manipur Act No. 7 of 2023) and the **Statute of the University** as enumerated in **Second Schedule** of the Act are reproduced below:-

Section 2(2).

.....

Provided that subsequent creation of posts, both for teaching and non-teaching faculties, in the Dhanamanjuri University shall be made by the appropriate authority of the University.

Section 2(3). *The State Government of Manipur may make provisions for the creation of the essential new posts as may be required for the newly established Dhanamanjuri University.*

Section 4. The University –

.....

(4) On the establishment of the University under the Act, the University shall strictly adhere to the rules and regulations, norms and standards, procedures and guidelines of the University Grants Commission (UGC) in respect of its establishment and maintenance of standards in Universities and any such rules and regulation, norms and standards, procedure and guidelines of the UGC issued from time to time.

Section 10. Powers of the University – *The University shall have the following powers, namely;*

.....

(f) to create such teaching, administrative and other posts as the University may deem necessary, from time to time, and to make appointments thereto;

(g) to appoint or recognize persons as Professors, Associate Professors or Assistant Professors or otherwise as teachers of the University.

Section 12. Chancellor of the University - *(1) The Governor of Manipur shall be the Chancellor of the University.*

.....

(8) The Chancellor may by order in writing annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances:

Provided that before making any such order, the Chancellor shall call upon the University to show cause why such an order should not be made, and shall consider the cause if any is shown within a reasonable time.

Section 13. Officers of the University - (1) The Chancellor shall be the Head of the University and President of the Senate.

.....

(3) There shall be a Vice-Chancellor, appointed in the manner provided for in Section 14, who shall be the principal executive and academic officer of the University and ex-officio Chairman of the Syndicate, the Academic Council and Finance Committee and he shall, in absence of the Chancellor, preside at any Convocation for conferring degrees and also at any meeting of the Senate.

Section 14. Vice Chancellor of the University - (1) The Vice-Chancellor shall be appointed by the Chancellor from a panel of not less than three persons who shall be recommended by a Committee consisting of three members:

Provided that if the Chancellor does not approve of any of the persons so recommended, he may call for fresh recommendations.

(2) The Committee under sub-section (1) of this section shall consist of a member nominated by the Syndicate, a member nominated by the Chancellor and a member nominated by the University Grants Commission:

Provided that the member nominated by the Syndicate shall be a person who is not connected with the affairs of the University.

Provided further that the first Vice-Chancellor, who shall hold office for a term not exceeding 3(three) years, shall be appointed by the Chancellor:

Provided also that till the appointment of the first Vice-Chancellor, the Administrative Secretary in-charge of the Department of Higher & Technical Education, Government of Manipur shall be the ex-officio Vice-Chancellor of the Dhanamanjuri University for a term not exceeding three years.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Vice-Chancellor may hold office for a term not exceeding five years from the date on which he enters upon his office or until he attains the age of Seventy years whichever is earlier, and shall, on the expiration of his term of office, be ineligible for reappointment to the office:

Provided, that with the approval of the Chancellor, the Vice-Chancellor shall, notwithstanding the expiration of his term, continue to hold his office until his successor is appointed and enter upon his office up to a maximum period of one year.

(5) Notwithstanding anything contained in the Act and the Statutes, the Administrative Secretary in-charge of the Department of Higher & Technical Education shall be ex-officio Vice Chancellor, if for any reason, the post of Vice Chancellor and the Pro Vice-Chancellor remain vacant.

Section 15. Authorities of the University - *The authorities of the University shall be the Senate, the Syndicate, the Academic Council, the Schools of Studies, the Finance Committee and such other authorities as may be declared by the Statutes to be authorities of the University:*

Provided that the constitution, power and functions of such other authorities as may be declared to be authorities of the University, shall be as prescribed by the Statutes.

Section 17. Syndicate – (1) The Syndicate shall be the principal executive body of the University, *and its constitution and the terms of office of its members, powers and duties other than ex-officio members, shall be as prescribed by the Statutes.*

(2) It shall be in charge of the general management; and administration including the revenue and property of the University.

Section 20. Statutes – *Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely-*

.....

(b) the appointment, powers and duties of the officers of the University in so far as they are not provided for in the Act;

(c) the appointment, terms and conditions of the service and the powers and duties of the employees of the University;

(d) the terms and conditions under which institutions may be associated with the University;

Section 30: Removal of difficulties- *If any difficulty arises in giving effect to the provisions of this Act, the Government of Manipur may by an order published in the Official Gazette, make such provisions not inconsistent with the purpose of this Act, as appear to it to be necessary or expedient for removing the difficulty.*

Second Schedule (See Section 20): The Statute of the University

Statute 3. Power and duties of Vice-Chancellor –

.....

(iii) The Vice Chancellor shall have power to convene meetings of the Senate, the Syndicate and the Academic Council and shall perform all such acts as may be necessary to carry out the provisions of the Act, these Statutes and the Ordinances.

.....

(v) If, in the opinion of the Vice-Chancellor, any emergency has arisen which requires immediate action to be taken, the Vice-Chancellor shall take such action as he deems necessary and shall report the same for

approval at the next meeting to the authority which, in the ordinary course, would have dealt with the matter:

Provided that if the action taken by the Vice-Chancellor is not approved by the authority concerned, he may refer the matter to the Chancellor, whose decision thereon shall be final:

Provided further that where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the Syndicate.

Statute 7. Registrar – (i) The Registrar shall be appointed by the Syndicate and shall be a whole-time salaried officer of the University.

(iv) The Registrar shall-

(a) be the custodian of the records, the common seal and such other properties of the University as the Syndicate shall commit to his charge;

.....

(d) in an emergency, when the Vice-Chancellor, or any of the Pro Vice-Chancellor, or the seniormost Dean in station is not available to act, call a meeting of the Syndicate forthwith and take its directions for carrying on the work of the University;

(f) perform such other duties as may be specified in these Statutes, or prescribed by the Ordinances or the Regulations or as may be required, from time to time, by the Syndicate or the Vice-Chancellor.

Statute 12. Syndicate-

- (i) The Syndicate shall consist of the following members, namely-*
- a. The Vice-Chancellor, ex-officio;*
 - b. The Pro Vice-Chancellor, if any, ex-officio;*

- c. *The Administrative Secretary of Higher Education, Manipur or his nominee;*
- d. *Three Deans of School of Studies, of whom two shall be from Group I and one from Group II; and once their term as Dean is over, two shall be from Group II and one from Group I, by rotation, according to seniority. Group I and Group II shall comprise the following:*

.....

Statute 13. Powers of the Syndicate – *Subject to the provisions of the Act, these Statutes and Ordinances, the Syndicate shall, in addition to any other powers vested in it, have the following powers namely:-*

(i) to appoint such Professors, Associate Professors, Assistant Professors and other members of the teaching staff as may be necessary, on the recommendations of the Selection Committees constituted for the purpose, and to provide for filling temporary vacancies therein;

(ii) to fix the emoluments and define the duties and conditions of service of Professors, Associate Professors, Assistant Professor and other members of the teaching staff;

.....

Statute 26. University Teachers –

(i) *Teachers of the University shall be of two classes, namely*

(a) Appointed teachers of the University;

(b) Recognised teachers of the University.

(ii) Appointed teachers of the University shall either-

(a) employees of the University paid by the University and appointed by the Syndicate as Professors of Eminence, Professors, Associate Professors or Assistant Professors or otherwise as teachers of the University, or

(b) persons appointed by the Syndicate as Honorary Professors, Emeritus Professors, Associate Professors or Assistant Professors or otherwise as teachers of the University.

(iii) *Recognized teachers of the University shall be the members of the staff of a recognized institution other than an institution maintained by the University;*

Provided that no such member of the staff shall be deemed to be a recognized teacher unless he is recognized by the Syndicate as a Professor, Associate Professor or in any other capacity as a teacher of the recognized institution.

.....

(ix) *No person shall be appointed or recognized as a teacher of the University except on the recommendation of a Selection Committee constituted for the purpose.*

Statute 27. Selection Committee of Teachers –

(i) There shall be Selection Committees for making recommendations to the Syndicate for appointments to the posts of Professors, Associate Professors and Assistant Professors.

(ii) The Selection Committee shall be as follows:

(a) For Assistant Professor and Associate Professor –

i) The Vice-Chancellor, in his absence, the Pro Vice-Chancellor, as the Chairman of the Selection Committee;

ii) One nominee of the Chancellor;

iii) The Head of the Department concerned;

iv) Three outside experts in the subject to be invited out of the list approved by the Syndicate.

The quorum shall be four, of which at least two outside subject-experts should be present.

(b) For Professor –

- i) The Vice-Chancellor, in his absence, the Pro Vice-Chancellor, as the Chairman of the Selection Committee;*
- ii) One nominee of the Chancellor;*
- iii) The Head of the Department concerned;*
- iv) Three outside experts in the subject to be invited out of the list approved by the Syndicate.*

At least five members, where the University has a Pro Vice-Chancellor, or four members otherwise, including two outside experts shall constitute the quorum. Both the Vice-Chancellor and the Pro Vice-Chancellor are members.

Weightage should be given to the experts' opinion.

(iii) The procedure to be followed by a Selection Committee in making the recommendation shall be laid down in the Ordinances.

(iv) If the Selection Committee recommends to the Syndicate the name of one person only and that person is not acceptable to the Syndicate, the Syndicate shall record its reasons in writing for not accepting the recommendation and direct the Registrar to advertise the vacancy again and convene a meeting of the Selection Committee for making fresh recommendations, and in so doing, communicate to every member of the Selection Committee the reason recorded above.

(v) If the Syndicate is unable to accept any recommendation made by the Selection Committee, it may remit the same to the Selection Committee for reconsideration and if the difference is not resolved, the Syndicate shall record its reasons and submit the case to the Chancellor for orders.

[33] Mr. HS Paonam, learned sr. counsel for the petitioners in WP(C) No. 510 of 2024 and WP(C) No. 495 of 2024, submits that the approval of the DP, Govt. of Manipur is not required. He draws attention of this Court to the provisions in DMU Act, 2017 (Manipur Act No. 9 of 2017) – Section 12(8) empowers the Chancellor to annul any proceeding of the University which is not in conformity with the Act, Statutes or the Ordinances; Section 13 provides that the Chancellor (Governor of Manipur) shall be the Head of the University and

President of the Senate; Section 14(3) specifies that the Vice Chancellor is the whole time officer of the University; and Section 17 stipulates that Syndicate is the principal executive body of the University. Learned senior counsel also refers to the Second Schedule of the Act (the Statute of the University). Statute 3(iii) empowers the VC to convey meeting of the Senate, the Syndicate and the Academic Council and under Statute 3(v) also to call emergency meeting. Statute 7 provides that Registrar is the custodian of the records, the common seal and other properties in the University as the Syndicate may provide from time to time. Statute 13(i) of the DMU Act empowers the Syndicate to appoint Professor, Associate Professor, Assistant Professor and other members of the teaching staff on the recommendation of the Selection Committee constituted for the purpose. Statute 27 prescribes the composition of the Selection Committee for making recommendations to the Syndicate for appointment of the post of Professor, Associate Professor and Assistant Professor. In case of appointment for the post of Assistant and Associate Professor, the Selection Committee consists of - (i) VC in his absence, the Pro VC as the Chairman of the Selection Committee, (ii) 1 nominee of the Chancellor, (iii) Head of the Department concerned, (iv) 3 outside subject experts in the subject to be invited out of the list approved by the Syndicate and the quorum shall be four, of which at least 2 outside subject experts should be present. Under Statute 26(ix), the Selection Committee shall recommend names for appointment as teacher in DMU including for the post of Assistant Professor. Statute 27(iv) provides that if the Selection Committee recommends only one person and the same is not acceptable to the Syndicate, the Syndicate shall record the reasons in writing for not accepting the recommendation and shall direct the Registrar to advertise the vacancy again and convene meeting of the Selection Committee for making fresh recommendation. Statute 27(v) deals with a situation when the Syndicate is unable to accept recommendations (multiple candidates as opposed to single person) made by the Selection Committee, it may remit the same to the Selection Committee for reconsideration and if the difference is still not resolved, the Syndicate shall record its reason and submit the case to the Chancellor for passing appropriate order. Learned senior counsel has emphasized that Section 12(8) of the Act authorizes the Chancellor only to annul any proceedings of the

University; and on co-joint reading of Statutes 27(iv) & (v) of DMU, the Syndicate does not have such power in situation where the Selection Committee has recommended multiple candidates for appointment.

[34] On referring to the above-mentioned provisions of the Act and Statutes of the DMU, Mr. HS Paonam, learned sr. counsel for the petitioners submits that the Dhanamanjuri University is an independent statutory body established under the DMU Act, 2017. As per Section 10(g) of the DMU Act, the University has the sole power to appoint or recognize persons as Professors, Associate Professors or Assistant Professors or otherwise as teachers of the University and the appointment of the teaching staff. Under Statute 13(i) of the Second Schedule appended to the Act, the Syndicate has the power to appoint Professors, Associate Professors, Assistant Professors and other members of the teaching staff on the recommendations of the Selection Committee.

[35] Learned sr. counsel for the petitioners emphasizes that it is the Chancellor only who can annul any proceeding of the University including the recommendations made by the Selection Committee for appointment to the posts of Assistant Professor in exercise of the power under Section 12(8) of the DMU Act. In short, it is submitted that the approval of the Department of Personnel, Govt. of Manipur or Department of Higher and Technical Education, Govt. of Manipur is not contemplated in the DMU Act and Statutes. It is also clarified that the OMs dated 16.08.2021 and 11.04.2023 will not be applicable in the case of recruitment and appointment of teaching and non-teaching staff in DMU, as the executive instructions cannot overwrite the provision of the DMU Act, 2017 and Statutes. Section 10(g) and Statute 13(i) of DMU Act vest the exclusive power to appoint teachers to the University and Syndicate alone and such power has not been delegated to any authority outside the University. It is stated that the main reason for cancellation of the notification dated 29.02.2024 as null and void by the resolution no. 2 of the emergency Syndicate meeting held on 18.07.2024, is on the ground of non-approval by the DP, Govt. of Manipur in terms of the OMs dated 16.08.2021 and 11.04.2023. It is urged that such decision cannot be sustained, as the OMs cannot transgress upon the provisions of the Act. The decision of the Syndicate in its emergency meeting held on 18.07.2024 to declare

the notification dated 29.02.2024 as null and void, is liable to be set aside only on this ground.

[36] Mr. HS Paonam, learned sr. counsel further submits that with regard to the alleged blank data/tabulation sheets for Physics and Botany, it is stated that the respondents have not denied the contents of the affidavit-in-opposition filed by the former VC, Prof. N. Rajmuhon [R-4]. It is the specific case of the former VC that under Statutes 3(iii) & (iv) of the Second Schedule of the Act, the VC has power to convene meeting and also emergency meeting of the Syndicate which requires immediate action. For convening meetings of the Syndicate and the Academic Council, VC does not require permission of the Registrar. The former VC specifically stated that interview was conducted for appointment of 88 (eighty-eight) posts of Assistant Professor for 22 (twenty-two) different subjects/departments including Botany and Physics. The interview was conducted on 18.10.2021 and 19.12.2021. For 6 subjects, i.e., Anthropology, Botany, Chemistry, Physics, Electronics & Law, 1(one) subject expert each participated via online mode during Covid-19 period and the signed proceedings and tabulation sheets of each subject were handed over to the Registrar, Dr. Nivedita Lairenlakpam to obtain the signatures of the concerned subject experts who participated online. After getting the signatures, the then Registrar returned the same to the office of the former VC and the same was kept in envelope. At that time, the Registrar did not point out that the tabulation/score sheets of Physics and Botany subjects were blank at the time of collecting signatures from the outside subject experts participated online. As per the direction of this Court in order dated 08.02.2024 in WP(C) No. 790 of 2023 to declare the result within 4(four) weeks, the 11th Syndicate meeting was held on 27.02.2024 and as per resolution no. 2 of the meeting, the names of the 83 (eighty three) Assistant Professors for 21 (twenty- one) different subjects were declared and after his retirement, 1 (one) subject was declared on 18.07.2024. In the counter affidavit of former VC Prof. N. Rajmuhon, it is also stated that in the Syndicate meeting, tabulation sheets/score sheets are not usually shown as it is highly confidential and the recommended candidates are produced for approval in the Syndicate meeting.

[37] Mr. HS Paonam, learned sr. counsel for the petitioners submits that the respondents have not denied the contents of the affidavit of the former VC where, it is stated that the concerned Registrar was entrusted to take signature on the tabulation sheets for the subject experts who joined online. It may be noted that 1(one) subject expert for Botany and Physics also joined online and the Registrar was deputed for obtaining signatures of the online subject experts including Botany and Physics on the signed proceedings and tabulation sheets of the subjects and the same were submitted by the then Registrar to the then VC after obtaining necessary signatures. At that time, the Registrar never stated that the tabulation sheets of Botany and Physics were blank. If that be so, she (the Registrar) could have flagged this issue in the meeting of the Syndicate held on 27.02.2024 for declaration of the result vide notification dated 29.02.2024 or otherwise earlier. It is also stated that the allegation of blank tabulation sheets for Physics and Botany was contrary to the Facebook post of the Raj Bhavan, Manipur in the month of July, 2024, where, the subsequent in-charge VC, H. Gyan Prakash explained to Hon'ble Governor that the tabulation sheets submitted by the examination authority was incomplete listing only 4 candidates each for Botany and Physics where 11 and 13 posts were needed to be fill-up respectively.

[38] Mr. HS Paonam, learned sr. counsel for the petitioners relies on the following case laws in support of his argument:

1. National Institute of Mental Health and Neuro Sciences -vs- Dr. K. Kalyana Raman and Others; 1992 Supp (2) SCC 481 at para 7 -

"There is no rule or regulation brought to our notice requiring the Selection Committee to record reasons. In the absence of any legal requirements the selection made without recording reasons cannot be fault with"

2. Naseem Banu (SMT) -vs- State of U.P And Others; 1993 Supp (4) SCC 46 at para 9-

"Averment made in writ petition not controverted by the respondents, held, should be presumed to have been admitted"

3. Kusheshkwar Prasad Singh -v- State of Bihar And Ors; (2007) 11 SCC 447 at paras 13 to 16-

"Nullus Commodum capere potest de injuria sua propria", No man can take advantage of his own wrong

4. Ratan Kumar Tandon & Others -vs- State of U.P; (1997) 2 SCC 161 at para 12

"Administrative instructions do not have any overriding effect on operations of statutory provisions or the law of the land as laid down by Supreme Court"

5. Union of India and Others -vs- N. Murugesan & Others; (2022) 2 SCC 25 at paras 26 & 27-

"Approbate and reprobate". "No party can be allowed to accept and reject the same thing, and thus one cannot blow hot and cold"

6. Joint action Committee of Air Line Pilots' Association of India 7 Ors.; (2011) 5 SCC 435 at para 26-

"No other person, even a superior authority, can interfere with the functioning of the statutory authority"

7. Babu Verghese And Others -v- Bar Council of Kerala And Others; (1999) 3 SCC 422 at para 31-

"It is the basic principle of law settled that if the manner of doing a particular act is prescribed under any statute, the act must be done in that manner or not at all"

8. Union of India -v- Sadhana Khanna; (2008) 1 SCC 720 at para 11-

"Mistake on their part"

9. State of U.P. and Ors. -v- Mahesh Narain; (2013) 4 SCC 169.

[39] In conclusion, Mr. HS Paonam, learned sr. counsel for the petitioners, relying on the ratio of the decisions cited above, has summed up that the cancellation of the notification dated 29.02.2024 is without any basis. The Registrar was duly informed for the 11th Syndicate meeting to be held on 27.02.2024 by a notice dated 21.2.2024 and the subsequent allegation of blank tabulation/score sheets for Physics and Botany was not raised at the time of obtaining signatures of the subject experts participated in the interview online. At most, the allegation of missing tabulation/mark sheets for Physics and Botany might be manipulation at a later stage with ulterior motives. The VC does not need permission of the Registrar to call for emergency meeting by the Syndicate and declaration of the result, vide notification dated 29.02.2024, was issued on approval of the recommendations of the Selection Committee by the Syndicate, in compliance of the direction of this Court in order dated 08.02.2024 in WP(C) No. 790 of 2023 to declare the result within 4(four) weeks. If the notification dated 29.02.2024 was considered to be void ab initio by the Syndicate in its meeting held on 18.07.2024, then the notification dated 18.07.2024 declaring result with additional post without holding any fresh interview would also be void. By the doctrine of approbate and reprobate, the authority cannot accept one part and reject another part of the same thing at the same time. The reason for rejection of the notification dated 29.02.2024 is for non-approval from the DP, Govt. of Manipur. The sole ground for rejection of the notification dated 29.02.2024 cannot be sustained, as the executive instructions cannot overwrite the statutory provisions where the University does not require the approval of the State Government for declaration of result of recruitment of teachers. Under the DMU Act, 2017, the University, especially the Syndicate, is the competent authority to appoint any officer including teaching faculties and approval of the State Govt. is not required. It is also submitted that since the result of notification dated 29.02.2024 is in toto included in the subsequent notification dated 18.07.2024 (except for Physics & Botany subjects, as per the additional affidavit dated 20.08.2025 filed by the Registrar DMU), the exclusion of the candidates for Physics and Botany subjects who have been selected by notification dated 29.02.2024, cannot be sustained in the eye of law. It is prayed that the notification dated 18.07.2024 may be modified by directing the respondents to

include the result of Botany and Physics subjects declared vide notification dated 29.02.2024. The plea of the absence of the mark sheet is after thought and somebody might have manipulated the same for ulterior motive. The candidates cannot be made to suffer for lapse of the authority in maintaining the examination record after declaration of result.

[40] Mr. M. Nabaghanashyam along with Mr. H. Kenajit, learned counsel for the petitioner in WP(C) No. 486 of 2024 submits that the petitioner is one of the 4(four) candidates selected for Physics subject by notification dated 29.02.2024. The main prayer in this writ petition is for setting aside the notification dated 19.07.2024 calling for fresh interview for Physics and Botany subjects and also setting aside of the notification dated 18.07.2024 which declared notification dated 29.02.2024 as void being issued without the approval of the State Govt. (DP, Govt. of Manipur). The petitioner also filed an application being MC(WP(C)) No. 713 of 2024 for amendment of the prayer in the writ petition by inserting 'prayer no. (ii) A, B & C' for setting aside addendum dated 18.07.2024; for setting aside 'para no. 7' of the notification dated 18.07.2024 and for setting aside minutes of the emergency Syndicate meeting held on 18.07.2024. It is stated that the application being MC(WP(C)) No. 713 of 2024 has not been denied or disputed by the respondents by filing reply and as such, it amounts to admission of the contentions made in the application and the amendment be deemed to be allowed.

[41] Mr. M. Nabaganashyam, learned counsel for the petitioner submits that as per Sections 10 (f) & (g) of the DMU Act, 2017, the University shall have power to create such teaching, administrative and other posts as the University may deem necessary, from time to time, and to make appointment thereto and also to appoint or recognize persons as Professor, Associate Professor, Assistant Professor or otherwise as teachers of the University. As per Section 17, the Syndicate shall be the principal executive body of the University and is in charge of the general management and administration of the University. Section 20 (b) of the Act prescribes the Statutes which provides for appointment, powers and duties of the officer of the University. Section 14(1) provides that Chancellor may appoint Vice Chancellor from a panel on the recommendation of

the Selection Committee. The Second Schedule is the Statute of the University framed under Section 20 of the DMU Act. Statute 3 of the Act prescribes the powers and duties of the VC. Statute 3(iii) VC empowers VC to convene meeting of the Senate Syndicate and academic counsel and Statute 3(v) confers power to do any action to be done in emergency. The power of Registrar is defined in Statute 7 and the Registrar is the custodian of the records of the University and perform such other duties as specified in the Statute or prescribed by the Ordinances or the Regulations or as may be required from time to time by the Syndicate or the VC. Statute 13 prescribes the power of the Syndicate which includes power to appoint Professors, Associate Professors, Assistant Professors and other members of the teaching staff, as may be necessary, on the recommendations of the Selection Committees. Section 4 (iv) of the DMU Act stipulates that on establishment of the University under the Act, the University shall strictly adhere to the rules & regulations, norms and standards, procedures and guidelines of the UGC and in respect of the establishment and maintenance of standards in the Universities. Statute 27(i) of the Act prescribes for Selection Committee for making recommendations to the Syndicate for appointments to the posts of Professors, Associate Professors and Assistant Professors and in terms of Statute 26(ix), no person can be appointed as teacher of the University without the recommendation of the Selection Committee. Statute 27(v) provides that if the Syndicate is unable to accept recommendation made by the Selection Committee, it may remit the same to the Selection Committee for reconsideration; and if the difference is not resolved, the Syndicate shall record its reasons and submit the case to the Chancellor for order and Section 12(8) of the DMU Act empowers the Chancellor only to annul any proceedings of the University including the one referred in terms of Statute 27(v).

[42] Relying on the above provisions of the DMU Act and Second Schedule (i.e., the Statute framed under Section 20 of the Act), Mr. M. Nabaghanashyam, learned counsel for the petitioner emphasizes that the University is an independent statutory authority and it has full right of appointment of teaching faculty including Professors, Associate Professors and Assistant Professors and the appointment is made by the Syndicate on approval of the recommendations of the Selection Committee constituted under Statutes

26(ix) & 27 of the Act. Learned counsel for the petitioner further submits that the Syndicate has no power to cancel the multiple-candidates recommendation of the Selection Committee and it can refer the matter to the Selection Committee for reconsideration and if the difference is not resolved, the matter has to be referred by the Syndicate to the Chancellor under Statute 27(v). As per Section 12(8) of the DMU Act, it is the sole power of the Chancellor only to annul any proceedings of the University. It is the core submission of Mr. M. Nabaghanashyam, learned counsel for the petitioner that the decision of the emergency Syndicate meeting held on 18.07.2024 declaring the notification dated 29.02.2024 appointing the petitioners and others as Assistant Professors in terms of earlier Syndicate meeting held on 27.02.2024 as void, is illegal and without any authority & jurisdiction. It has been pointed out that the Syndicate does not have any power to annul any proceeding of the University, as the same is the exclusive power of the Chancellor alone in terms of the provisions of the Section 12(8) of the DMU Act, 2017. At most, the Syndicate has the power to refer the matter to the Chancellor for orders if the difference between the Selection Committee and Syndicate cannot be resolved. It is also submitted that the University does not require any prior approval from the State Govt. especially DP, Govt. of Manipur for appointment of the staff including the teaching faculty. The proceedings of the emergency Syndicate meeting held on 18.07.2024 recommending the earlier notification dated 29.02.2024 as null and void due to absence of prior approval from the State Govt. (DP, Govt. of Manipur) in terms of the OMs dated 16.08.2021 and 11.04.2023, cannot be sustained for the simple reason that the executive direction cannot overwrite the provisions of the DMU Act, Statutes and Ordinances. In the notification dated 18.07.2024, the recommendation in earlier notification dated 29.02.2024 is included in toto (except for Physics and Botany subjects) without conducting any fresh interview. Mr. M. Nabaghanashyam, learned counsel for the petitioner submits that the earlier recommendation made by notification dated 29.02.2024 still holds good and the authority cannot pick and choose one part of the same notification and reject another part, as such act is barred by the principle of approbate or reprobate. The learned counsel for the petitioner further submits that the plea of the absence of the tabulation/mark sheet and non-assessment of candidates

for the Physics and Botany subjects, cannot be sustained as the authority did not deny the averment of the former VC Prof. N. Rajmuhon Singh to the fact that the Selection Committee assessed all the candidates. It is stated that all the proceedings of the Selection Committee including the tabulation/mark sheets were signed by the members of the Selection Committee physically present and for 6(six) subjects including Botany and Physics. The former VC has entrusted to the Registrar the assignment of collecting the signature of the experts participated via online mode on the proceedings and tabulation sheets and the Registrar (*same person at the time of issuing notification dated 29.02.2024 and notification dated 18.07.2024*) after obtaining the signatures of the subject experts participated via online mode, submitted the same to the former VC. At no point of time, the Registrar reported to the VC or to any other authority about the missing tabulation/data sheets and non-assessment of candidates for the subject of Physics and Botany. The subject experts in Physics (one attended physically and another via online) informed that after considering the performance of the candidates, the Selection Committee assessed all the candidates appearing in the interview and made recommendations and this fact is not at all denied by the University. The result, vide notification dated 29.02.2024, was declared as the Syndicate in its meeting held on 27.02.2024, approved the recommendations made by the Selection Committee. The allegation of the University in the proceeding dated 18.07.2024 that the tabulation/score sheet of the candidates appearing in Physics and Botany were blank and it cannot be a ground for cancelling the earlier notification dated 29.02.2024. It is submitted that for the failure and mistake of the Registrar or authority of the University to preserve the record of the examination after declaration of result vide notification dated 29.02.2024, the candidates shall not be made to suffer for the lapses on the part of the University. Perhaps the tabulation/score sheets of these 2(two) subjects may be misplaced or somebody might have manipulated and it is a subject matter of enquiry initiated by the University. The learned counsel for the petitioner has also pointed out that the plea of the Registrar that her permission was not taken to convene the Syndicate meeting held on 27.02.2024, is baseless and unsustainable as she was duly informed by the meeting notice dated 21.02.2024 issued by the former VC for

convening an emergency meeting of the Syndicate to declare the result in terms of the direction of this Court. It is also pointed out that under Statutes 3(iii) & (v) of the Second Schedule of the Act, VC has the power to convene meeting of the Senate, Syndicate and Academic Council of the University and does not require any permission from the Registrar. It is submitted that Registrar is an officer subordinate to the VC. It is further submitted that issuance of fresh notification dated 18.07.2024 by illegally cancelling the earlier notification dated 29.02.2024, amounts to non-compliance of the order dated 08.02.2024 passed by this Court in WP(C) No. 790 of 2024 on consent of the parties for declaration of the result within 4(four) weeks. Mr. M. Nabaghanashyam, learned counsel for the petitioner relies on the following case laws:

1. Manoj Kumar vs. Union of India & Ors. in Civil Appeal No 2679 of 2024 (SC) - stating that it is the primary duty of the constitutional courts remains the control of power, including setting aside the administrative actions that may be illegal or arbitrary and to address the injurious consequences arising out of illegal actions of the authority.

2. Mohinder Singh Gill vs The Chief Election Commissioner, New Delhi AIR 1978 SC 851 at para 8 – when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out.

3. Vashist Narayan Kumar vs State of Bihar, 2024 AIR(SC) 248 at para 25 - High Court would be within its jurisdiction to mould the relief, if moulding of relief would do complete justice and justice cannot be forsaken on the altar of technicalities.

4. Dwarka Nath vs Income Tax Officer, Special Circle, AIR 1966 SC 81 at para 4 - High Courts can also issue directions orders or writs other than the prerogative writs. High Courts to mould the reliefs to the peculiar and complicated requirements of this country.

[43] Mr. Ajoy Pebam, learned counsel for the petitioners in WP(C) No. 633 of 2024 submits that the 2(two) petitioners' names were included in the 4(four) candidates recommended for the post of Assistant Professors in Botany by notification dated 29.02.2024. The learned counsel adopts the submissions of Mr. HS Paonam, learned sr. counsel and Mr. M. Nabaghanashyam, learned counsel for the writ petitioners in connected writ petitions. Mr. Ajoy Pebam, learned counsel further submits that the selection process was initiated on recommendation made by the Selection Committee and the resolution of the Syndicate meeting held on 27.02.2024 approved the recommendation made by the Selection Committee and select list was issued vide notification dated 29.02.2024. In case of difference of opinion between the Syndicate and the Selection Committee, learned counsel for the petitioners submits that the Syndicate cannot cancel the recommendation made by the Selection Committee and the power lies to the Chancellor. In such situation of difference of opinion between the Syndicate and Selection Committee and as stipulated by Statute 27 (v) of the Act, the Syndicate has to submit the same, with reasons to be recorded, to the Chancellor for order and it is only the Chancellor who is powered under Section 12(8) of the DMU Act to annul any proceeding of the University and to take a decision. Hence, the proceedings of the emergency meeting of the Syndicate held on 18.07.2024 in resolution no. 2 for declaring earlier recommendation vide notification dated 29.02.2024 as null and void and also 'para no. 7' of the notification dated 18.07.2024 for holding fresh interview for the Physics and Botany subjects are void ab initio, as the Syndicate does not have such power. It is also reiterated that under the Act, Statutes and Ordinance, the DMU is an independent statutory body and the Act does not prescribe any requirement of taking any prior approval from the State Government for appointment of teaching and non-teaching employees of the University. The learned counsel for the petitioner has also referred to letter dated 06.06.2025 issued by one of the subject experts in Botany to the VC, DMU (**Annexure-A/13 in WP(C) No. 633 of 2024**), wherein it has been stated that the Selection Committee including the subject experts evaluated the candidates for the subject of Botany and made their recommendation for appointment of Assistant Professor, DMU based on the mark obtained by the candidates. The

learned counsel for the petitioner submits that this letter dated 06.06.2025 is not denied or controverted by the respondents. In the circumstances, the plea of blank tabulation/scoresheet for the Botany subject is also not tenable at all. The former VC has already stated that the Registrar was assigned the duty of collecting signatures of the subject experts participated via online mode on the signed proceeding of the Selection Committee and the tabulation sheet and after obtaining the signatures of the subject experts participated via online, the documents were submitted by the Registrar to the former VC. At that time, the Registrar (same person at the time of issuing both the notifications dated 29.02.2024 & 18.07.2024) did not inform about the missing tabulation sheet to any authority of the University including the former VC. It is reiterated that at the time of declaration of the result vide notification dated 29.02.2024, there were tabulation sheets and other relevant documents of proceedings for the subject of Botany and the candidates shall not be made to suffer for the lapse of the authority of the University especially the Registrar who was unable to maintain the records of the examination after declaration of the result vide notification dated 29.02.2024. It is admitted by the University in its additional affidavit dated 20.08.2025 that the total numbers of seat available for fresh interview vide notification dated 19.07.2024, as on date for Botany are '4' (advertised) & '7' (additional) and for Physics are '4' (advertised) & '9' (additional), as per Advertisement No.3/2020 dated 19.12.2020. It is also admitted in the additional affidavit that all the candidates selected vide Notification dated 29.02.2024 were in toto included in the list of candidates selected by Notification dated 18.07.2024 except for Botany and Physics subjects. It is also stated in the additional affidavit that 60 more candidates in 16 subjects were also approved by the proceedings of emergency Syndicate meeting held on 18.07.2024 on the basis of earlier interview and without conducting fresh interview. The appointments for additional seats is challenged before this Court in WP(C) No. 691 of 2024 and the same is pending for disposal.

[44] Mr. Ajoy Pebam, learned counsel for the petitioners has emphasized that the social media post of the Raj Bhavan, Manipur, i.e., about incomplete recommendation of only 4(four) posts each in Botany and Physics while the requirement is 11 & 13 posts, has not been denied by the University

and it is contrary to the stand of the University that tabulation/score sheet of the candidates appearing in Botany and Physics subjects were missing. The whole recommendation of notification dated 29.02.2024 has been in toto repeated in notification dated 18.07.2024 except for Physics and Botany and it is submitted that excluding Physics and Botany from notification dated 18.07.2024 is barred by the principle of approbate and reprobate. It is also stated that before cancelling the notification dated 29.02.2024, no notice or opportunity of being heard is provided to the affected candidates. It is pointed out that Joint Secretary (Higher & Technical Education), Government of Manipur has filed common and single counter affidavits in all writ petitions on behalf of the State as well DMU and officer of the State Government is not competent to swear affidavit on behalf of the University, which is an independent statutory body. The learned counsel for the petitioners cited the following case laws:

(i) Principle of Natural Justice:

1. (1969) 2 SCC 262; A.K. Kraipak and others. -Vs- U.O.I. and others (Para No. 20).
2. (1987)4 SCC 431; K.I. Shephard and others. -Vs- U.O.I. and others (Para Nos. 12 to 15).
3. (2007)3 SCC 587; State of Maharashtra -Vs- Public Concern for Governance Trust and others (Para Nos. 39 to 41).

(ii) No Counter filed, averments made in Writ Petition deemed to be admitted:

1. 1993 Suppl. (4) SCC 46; Naseem Bano (Smt.) - Vs- State of U.P. and others (Para No. 9).
2. (1997) 6 SCC 282; Bir Singh Chauhan - Vs- State of Haryana and another (Para No. 4)
3. 2001 (3) GLT 262; Rejia Khatun -Vs- State of Assam and others (Para No. 2)

4. 2008 (1) GLT 278; Maibam Rajbihari Singh - Vs- State of Manipur and others (Para No. 18).

(iii) Counter Affidavit filed by the incompetent person cannot be accepted:

1. (1982)3 SCC 320; Munna Tuin -District Magistrate, Lucknow and others.

(iv) No power to exercise unless such power exists in Law:

1. (1985) 3 SCC 398; Union of India and another -Vs- Tulsiram Patel (Para No. 126).

(v) Principle of Approbate and Reprobate:

1. (2022) 2 SCC 25; Union of India and others -Vs- N. Murugesan and others (Para Nos. 26 and 27).

(vi) Office Memorandum cannot amend or supersede statutory rules and the Order must be passed by the authority after due application of mind:

1. (2013) 16 SCC 147; Union of India and Another -Vs- Ashok Kumar Aggarwal (Para Nos. 58 to 62).

[45] In conclusion, Mr. Ajoy Pebam, learned counsel for the petitioners in WP(C) No.633 of 2024 submits that the impugned notification dated 18.07.2024 be set aside directing the respondents to include the name of the petitioners in the list of selected candidates and direct to publish a fresh notification for inclusion of the name of the petitioners as selected for the posts of Assistant Professor in Botany.

[46] Mr. M. Hemchandra, learned sr. counsel for the petitioners in WP(C) No.728 of 2024 & WP(C) No.580 of 2025 submits that the petitioners who appeared in the interview/viva-voce, are unsuccessful candidates and their names are not included in both the notifications dated 29.02.2024 and 18.07.2024 for the posts of Assistant Professor (Botany). The substantive prayer in WP(C) No.728 of 2024 is for a direction to hold interview/viva-voce for

considering for their appointment to the posts of Assistant Professor (Botany) in DMU in pursuance to advertisement dated 19.12.2020, read with notification dated 19.07.2024 and resolution no. 2 of emergency meeting of Syndicate held on 18.07.2024. The substantive prayer in WP(C) No. 580 of 2025 is to set aside and review the entire selection process of appointment of the private respondents to the post of Assistant Professor in Botany in DMU vide notification dated 29.02.2024 and for direction to complete the enquiry against the private respondents constituted by the Committee constituted vide order dated 26.07.2024 within a time bound manner and for direction to consider the post of Assistant Professor for DMU against the vacancy available in view of the circumstances.

[47] Mr. M. Hemchandra, learned sr. counsel for the petitioners submits that the petitioners are eligible for appointment to the posts of Assistant Professor in DMU in terms of the applicable recruitment rules and UGC norms. They have a legitimate expectation of being selected to the post of Assistant Professor in Botany, if interview was conducted on 05.08.2024 in terms of the notification dated 19.07.2024. The earlier notification dated 29.02.2024 recommending candidates for the post of Assistant Professor was cancelled for the post of Botany, as data/tabulation sheets were found blank and no assessment mark was made against the candidates for the subject of Botany as reflected in the proceedings of the emergency Syndicate meeting held on 18.07.2024. Therefore, the notification dated 29.02.2024 deserves to be quashed with respect to Botany and the proceeding of the enquiry committee constituted vide notification dated 26.07.2024 is not yet completed. The private respondents cannot claim the right for appointment by including their names in the notification dated 18.07.2024, as no assessment was done for appearing in the interview in Botany subject. Some of the private respondents have challenged the notification dated 18.07.2024 superseding the earlier notification dated 29.02.2024. It is also urged that the petitioners may be appointed against 11 (eleven) vacant posts in Botany. In alternate, it is also prayed that petitioners may be appointed against the 11(eleven) sheets available as on date in terms of the order dated 24.07.2025 passed by this Court in MC(WP(C)) No. 695 of 2024, in event of this Court considering the appointment of the private respondents

whose data/tabulation sheets were found blank. It is highlighted that no counter affidavit has been filed by the official and private respondents.

[48] Mr. Ajoy Pebam, learned counsel for the respondent nos. 5 and 6 in WP(C) No. 580 of 2025 submits that the writ petition is not maintainable in the present form, as the same is filed after rejection of the application filed by the petitioners for impleadment in WP(C) No. 495 of 2024 and it is also stated that the petitioner has not filed any applications for impleadment in WP(C) No. 633 of 2024 filed by the respondent no. 5 & 6. The petitioners neither did file any appeal nor did file any review against the rejection order of impleadment application and hence, filing of the new writ petition, being WP(C) No. 580 of 2025, is without any locus and the same is not maintainable. It is stated that the petitioners were not recommended by the Selection Committee in the recruitment process and they cannot challenge the selection and recommendation of the private respondents to the post of Assistant Professor (Botany), DMU. It is pointed out that Notification dated 29.02.2024 has already been superseded by another notification dated 18.07.2024 and the issue is subject matter in WP(C) No. 633 of 2024 and WP(C) No. 495 of 2024. The cause of writ petition being WP(C) No. 580 of 2025 praying for reviewing and setting aside the proceeding for notification dated 29.02.2024 does not exist as on date, because of the fact that the same has been superseded by notification dated 18.07.2024 read with addendum dated 18.07.2024. The present petition is liable to be dismissed as for non-joinder of necessary parties, as the petitioners failed to implead all the successful candidates whose name are reflected in the notification dated 29.02.2024.

[49] Mr. H. Debendra, learned Dy. Advocate General appearing on behalf of the State respondents, submits that due to non-marking of candidates and blank tabulation/data sheets for Physics and Botany subjects, the selection and appointment of Assistant Professors for Physics and Botany in the notification dated 29.02.2024, was rightly not accepted by the Syndicate in its meeting held on 18.07.2024 and accordingly, directed for fresh interview for these two subjects to assess the relative merit of the candidates. In absence of any assessment and blank tabulation/mark sheets of the candidates in these 2(two)

subjects, the relative merit of the candidates cannot be prepared; but in case of other subjects, assessment records and tabulation/mark sheets were found intake. It is also urged that the requirement of approval from the State Govt. especially DP, Govt. of Manipur and Higher & Technical Education is required in terms of OMs dated 16.08.2021 and 11.04.2023, which make it mandatory for any department, PSU, autonomous bodies, etc. including universities to take approval of DP, Government of Manipur for declaration of result of any recruitment examination. Learned Dy AG explains that Section 30 of the DMU Act empowers the State Govt. to make any order, by publishing in the Official Gazette and to give effect to the provision of this Act, whenever difficulties arise and not inconsistent with the purposes of the Act. It is submitted that last OM dated 11.04.2023 included the Universities and Technical & Higher Institution as one of the entities which needs approval of the State Govt. for declaring result of the recruitment examination. Learned Dy AG tries to impress upon this Court that on co-joint reading of the OMs and Section 30 of the DMU Act, there is no illegality in declaring the earlier notification dated 29.02.2024 as null and void, as the same was issued without approval of the State Government. It is submitted that the subsequent notification dated 18.07.2024 has been issued after getting the approval of the State Govt. in terms of the OMs dated 16.08.2021 and 11.04.2023. As the tabulation/mark sheets of the candidates for Physics & Botany are found blank, the authority has every right and power to rectify the same by adopting proper recourse and there is no arbitrary or malafide act on part of DMU in issuing notification dated 19.07.2024 for holding fresh interview for Physics & Botany subjects from amongst the candidates who have already appeared in the earlier interview. The candidates have no indefeasible right of appointment and in case the writ petitions filed by the candidates who have been appointed in Physics and Botany subjects vide notification dated 29.02.2024 are allowed, it will create unnecessary problem and confusion. The prayer in MC(WP(C)) No. 710 of 2024 in WP(C) No. 495 of 2024 is nothing but substantive prayer of setting aside the proceedings of emergency Syndicate meeting held on 18.07.2024 and addendum dated 18.07.2024 which are not prayed for in the main writ petition, being WP(C) No. 495 of 2024 and such prayer cannot be raised by way of misc. application. Similarly, learned Dy AG

also raises the question of maintainability of MC(WP(C)) No. 713 of 2024 in WP(C) No. 486 of 2024 for amending the prayer portion by introducing new prayers challenging- (i) Addendum dated 18.07.2024, (ii) Para 7 of Notification dated 18.07.2024, & (iii) Resolution No.2 of the proceedings of Emergency Meeting of the Syndicate held on 18.07.2024 with respect to Physics, on the same ground that substantive prayer cannot be introduced by way of an application for amendment. Learned Dy. AG also submits that the writ petitions are bad for non-joinder of necessary parties, i.e., all the shortlisted candidates are not impleaded as the parties in the writ petitions.

[50] Mr. H. Debendra, learned Dy. Advocate General cites the following decisions to buttress his argument.

1. State of Orissa v. Bhikari Charan Khuntia: (2003) 10 SCC 144 [Para 7 and 8]

Candidates whose names appear in the merit list do not acquire indefeasible right of appointment if vacancies exist. The State is under no obligation to fill up all or any of the vacancies, unless the relevant recruitment rules so indicated. Though, the State is under no legal duty to fill up all or any of the vacancies, it does not mean that the State has a license of acting in an arbitrary manner.

2. Union of India v. Tarun K. Singh: (2003) 11 SCC 768 [Para 4]

The process of selection to a public office, which stands vitiated by adoption of large-scale malpractice, cannot be permitted to be sustained by a court of law. That apart, an individual applicant for any particular post does not get a right to be enforced by a mandamus unless and until he is selected in the process of selection and gets the letter of appointment.

3. All India Railway Recruitment Board v. K. Shyam Kumar: (2010) 6 SCC 614 [Para 49,50,51]

Even if a number of vacancies were notified for appointment and adequate number of candidates were found successful, they would not acquire any indefeasible right to be appointed against the existing vacancies

4. East Coast Railway v. Mahadev Appa Rao: (2010) 7 SCC 678 [Para 22,23]

Arbitrariness in the making of an order by an authority can manifest itself in different forms. Non-application of mind by the authority making the order is only one of them. Every order passed by a public authority must disclose due and proper application of mind by the person making the order. This may be evident from the order itself or the record contemporaneously maintained.

5. Jai Singh Dalal v. State of Haryana: 1993 Supp (2) SCC 600 [Para 7]

The law is settled that even candidates selected for appointment have no right to appointment and it is open to the State Government at a subsequent date not to fill up the posts or to resort to fresh selection and appointment on revised criteria.

6. Employees State Insurance Corporation v. Vinay Kumar: (2022) 18 SCC 358 [Para 7]

A candidate who has applied does not have a legal right to insist that the recruitment process set in motion be carried to its logical end. Even inclusion of a candidate in the select list may not clothe the candidate with such a right.

7. Shubhas Jain v. Rajeshwari Shivam: (2021) 20 SCC 454 [para 25]

It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.

[51] Mr. I. Denning, learned counsel for the DMU has adopted the submissions of learned Mr. H. Debendra Dy AG and has also filed written arguments on behalf of the respondent-DMU and the same is reproduced below:

- *an advertisement dated 19/12/2020 was issued for filling up 88 posts of Assistant Professor in 22 different subjects/departments in Dhanamajuri University, Manipur [Annexure A/4 in W.P(C) No. 495 of 2024].*

- *A Notification dated 01/10/2021 was issued whereby published lists of shortlisted candidates for interview for the post of Assistant Professor for Anthropology, Botany and Chemistry, Dhanamajuri University, Manipur. [Annexure A/5 and A/6 of WP(C) No. 495 of 2024].*
- *A Notification dated 10/12/2021 was issued whereby published the lists of shortlisted candidates for interview for the post of Assistant Professor for Physics Department, Dhanamajuri University, Manipur. [Annexure A/3 in WP(C) No. 501 of 2024].*
- *Due to non-declaration of the results for appointment to the post of Assistant Professor in 22 different subjects in Dhanamajuri University, Manipur, some of the candidates approached the Hon'ble High Court by filing a Writ Petition bearing W.P(C) No. 790 of 2023 whereby the Petitioners prayed for declaration of the results of for the post of Assistant Professors in Dhanamajuri University, Manipur. The Hon'ble High Court was pleased to pass an order dated 08/02/2024 thereby directed the Respondents to declare the result within a stipulated period of 4 weeks [Annexure A/4 in W.P(C) No. 501 of 2024].*
- *A Notification dated 29/02/2024 was issued by the then V.C of D.M.U in compliance with the Hon'ble Court's Order dated 08/02/2024 passed in W.P(C) No. 790 of 2023 thereby declared the result of Assistant Professors of DMU in 21 different subjects. [Annexure A/5 in W.P(C) 501 of 2024].*
- *In pursuance to the said Notification dated 29/02/2024 issued by the then VC, DMU, the State Vigilance Department registered a Vigilance case no. 5/V/SPV&AC/2024 in connection with the appointment to the post of 83 Assistant Professors of DMU in 21 Different subjects. [Annexure C/1 which is in the Additional Affidavit of M.C (WP(C)) No. 710 of 2024 ref. to WP(C) No. 495 of 2024].*
- *In the Minutes of Syndicate meeting held on 18/07/2024, the Notification dated 29/02/2024 was declared as null and void as the same was not issued with the approval of the State Government. Thereafter, in the said Syndicate meeting held on 18/07/2024, subject wise recommendation of the Selection Committee was placed before the Syndicate and was discussed in thread bread. As such, the Syndicate recommended those*

names whose names were found in the Notification dated 29/02/2024. However, in the case of the Physics and Botany subjects, the tabulation sheet was found blank and no assessment marks was marked against any of the candidates in the case of the Physics and Botany subjects. As a result of which, the Syndicate after detailed deliberation had unanimously agreed to conduct a fresh interview of the candidates who were invited and came for the interview held earlier. [Annexure A/6 of WP(C) no. 501 of 2024].

- A Notification dated 18/07/2024 was issued by Dr. Nivedita, Registrar, DMU/Addendum whereby declared the results of Assistant Professor in 19 different departments with the approval conveyed by Higher & Tech Education, Government of Manipur vide letter dated 12/07/2024 [Annexure A/7 of WP(C) No. 501 Of 2024].*
- Notification dated 19/07/2024 was issued by Registrar, DMU whereby called all the candidates for viva-voce held on 30/07/2024 for the post of Assistant Professors in Botany and Physics. [Annexure A/9 of WP(C) No. 501 of 2024.*

The matters were heard by the Hon'ble Court on 16/10/2025 and the hearing was concluded on the same day. Further, the respondents had sought liberty to submit Written Argument in the bunch of Writ Petitions in connection with the recruitment to the posts of Assistant Professor in Botany and Physics subjects/departments in the Dhanamajuri University, Manipur. As such, the Dhanamajuri University, Manipur is submitting this Written Argument in furtherance to the direction of the Hon'ble Court dated 16/10/2025.

The Dhanamajuri University, Manipur would submit that the writ petitions are not maintainable inasmuch as:

- Disputed facts - Vigilance Case pending: That a Vigilance Case by the State Vigilance and the same is pending for further action. Thus, there is no finding of the said investigation; as such, the writ petitions are not maintainable. It is the trite of law that writ Court cannot exercise its jurisdiction over the disputed facts.*

- *Dispute between the earlier Registrar and earlier Vice-chancellor in connection with tabulation mark sheets for the subject Botany and Physics*
- *Necessary and proper party, Not impleaded - the writ petitioners have failed to implead those shortlisted candidates inasmuch as the impugned order/notification directed those shortlisted candidates of Botany and Physics and who had appeared earlier for the interview were called to face fresh interview. As such, those persons are necessary and proper party to adjudicate the said impugned order/notification.*
 - *2008 (2) SCC 161 - (Para No. 17, 30, 34, 35, 37, 40, 42 to 47, 49, 53, 54, 57, 63, 64, 69)*
 - *1985(1) SCC 122 - (Para No. 1, 12, 14, 16, 18)*
 - *2002 (5) SCC 533 - (Para No. 19)*
- *Action of the respondents (DMU) - not arbitrary and such action is reasonable.*

That, since the notification dated 29/02/2024 thereby declaring the result of the Assistant Professors in Dhanamanjuri University as null and void by the subsequent Syndicate and the Syndicate has to re-examine the selection for such selection and appointment of Assistant Professors in Dhanamanjuri University. Thereafter, the Syndicate after minutely examining the selection process gave a finding for recommendation of those Assistant Professors in 20 Subjects; however, since the tabulation Mark Sheets was not available for the subject Botany and Physics, the Syndicate held that those shortlisted candidates and who appeared before the interview which was held earlier to present for such selection/interview in the subject Botany and Physics. Therefore, the action of the authority of Dhanamanjuri University was not at all malafide and arbitrary. In this regard, the Dhanamanjuri University would submit that no appointment order was issued in connection with the Notification dated 29/02/2024 and as such, the Selection/Recruitment for the posts of Assistant Professors was not completed

Further, the Dhanamanjuri University would submit that the University has every right to rectify discrepancy in the recruitment process and such Policy decision was a bonafide decision. Furthermore, the

Decision taken by the Syndicate was just, reasonable and judicious; and there was no question of malafide. The Syndicate is the highest authority under the Dhanamanjuri Act, 2017 and the Syndicate had taken a decision in the interest of all concerned without any arbitrary and malafide. Therefore, in the exercise of power in the judicial review, the Court will not evaluate the comparative merits or suitability of candidate.

- 2008 (10) SCC 1 - (Para No. 59, 60, 63)
- 2005 (3) SCC 618 - (Para No. 1, 4, 16, 22)
- 1998 (1) SCC 487 - (Para No. 9)
- 1995 (Supp.) 3 SCC 156 - Para No. 4
- 2002 (5) SCC 533 - (Para No. 8, 19)
- 2008 (2) SCC 161 - (Para No. 17, 30, 34, 35, 37, 40, 42 to 47, 49, 53, 54, 91, 63, 64, 69)
- No infeasible right to be appointed
That, the Dhanamanjuri University would submit that selected candidate do not have an enforceable right to appointment and candidate do not acquire any right nearly because of applying for the selection or for appointment after selection. Further, the Dhanamanjuri University would submit that no fundamental right of the candidate was violated. In other words, there is no locus standi; and moreover, malafide, promissory estoppels, legitimate expectation does not apply in the case of incomplete recruitment.
 - 2003(10) SCC 144 - (Para No. 8 and 9)
 - 1998 (1) SCC 487 - (Para No. 9).

[52] Mr. Y. Nirmolchand, learned senior counsel assisted by Mr. U. Augusta, learned counsel for former VC, refers to the counter-affidavit filed by him stating that DMU is an independent authority and does not require any approval from the State Government for declaring the result of recruitment of its employees including teaching faculty. The provisions of DMU Act and Statutes have clearly stipulated that the University in general and the Syndicate in particular have exclusive right to appoint its employees. It is reiterated that VC is empowered to call for meetings of the Syndicate and does not require permission of the Registrar. The allegation of blank data/tabulation sheets and non-assessment of candidates appearing in the interview for Physics and Botany

are afterthought, because the Registrar has never raised this issue when she obtained signatures of the online experts on the proceedings of the interview including Physics and Botany and/or at time of Syndicate meeting held on 27.02.2024 to discuss declaration of result as directed by this Court.

[53] This Court has perused the materials on record, the relevant provisions of law, cited case laws and submissions made by the learned counsel for the parties. The common facts-in-issue, in a nutshell, in all these cases are as follows:

- (i). The Registrar, DMU issued an advertisement no. 03/2020 dated 19.12.2020 inviting applications from intending candidates for filling up the 88 (eighty-eight) vacant posts of Assistant Professor in 22 (twenty-two) subjects/departments including Physics and Botany. The number of seats may change, i.e., increase or decrease. As per the terms of the advertisement, the appointment will be on the basis of the performance in the interview/viva-voce to be conducted by the Selection Committee. After the completion of the interview, the result was not declared and some of the candidates approached this Court by way of writ petition being WP(C) No. 790 of 2023 with a prayer for directing the authority to declare the result for the interview/viva-voce. Vide order dated 08.02.2024 in WP(C) No. 790 of 2023, this Court directed the DMU to declare result of the interview for the recruitment of Assistant Professors in pursuance to advertisement dated 19.12.2020 within a period of 4(four) weeks and the order was passed without expressing any opinion on the merit of the case and on joint submissions of the parties thereto for declaring result. It may be noted that the order dated 08.02.2024 has attained finality.
- (ii). WP(C) No. 199 of 2024 & WP(C) No. 833 of 2021 were also pending with respect to the recruitment of the Assistant Professor for Zoology subject. Vide order dated 13.12.2021 passed by this Court in WP(C) No. 833 of 2021, declaration of result of the Assistant Professor in Zoology was not to be made without leave of this Court. Vide another

order dated 04.04.2024, this Court modified the interim order dated 13.12.2021 passed in WP(C) No. 833 of 2021 to the extent that DMU was permitted to declare the result for Zoology subject to fill up 2 posts of UR, 1 post of ST, out of the 4 posts notified vide advertisement dated 19.12.2020 and 1 seat of UR be kept reserved till the disposal of the writ petition being WP(C) No. 833 of 2021 and the WP(C) No. 199 of 2024 was accordingly disposed of by the same order. Vide another order dated 29.05.2025, the writ petition being WP(C) No. 833 of 2021 was subsequently dismissed on merit and no litigation is pending with respect Zoology.

- (iii). In compliance of the order dated 08.02.2024 in WP(C) No. 790 of 2023, the then VC, Prof. N. Rajmuhon Singh issued a notice dated 21.02.2024 for holding an emergency Syndicate meeting on 27.02.2024 for declaration of the result and copy of the letter was marked to all concerned persons including the Registrar of DMU. On approval of the recommendation of the Selection Committee by the Syndicate in resolution no. 2 of the 11th Syndicate meeting of DMU held on 27.02.2024, the former VC issued a notification dated 29.02.2024 for appointment to the post of 83 (eighty-three) Assistant Professors of DMU in 21 (twenty-one) different subjects. It may be noted that subject of Zoology was not included in the notification dated 29.02.2024, as there was stay order restraining declaration of result in WP(C) No. 833 of 2021. Out of the 4(four) candidates recommended for Physics, the petitioners in WP(C) No. 501 of 2024 are at serial nos. 1 & 3 and the petitioner in WP(C) No. 486 of 2024 is at serial no. 2. Similarly, out of the 4(four) recommended candidates for the post of Assistant Professor in Botany, petitioner in WP(C) No. 495 of 2024 is at serial no. 1 and petitioners in WP(C) No. 633 of 2024 are at serial nos. 2 & 3.
- (iv). In the emergency Syndicate meeting of DMU held on 18.07.2024, Agenda no. 1 is for declaration of result of various posts of teaching and non-teaching staff and Resolution no. 2 of the same agenda is for declaration of result of Assistant Professor. The new VC [*namely,*

Shri H. Gyan Prakash who was holding the substantive post of Commissioner (Hr. & Tech. Education), Government of Manipur and i/c VC of DMU] requested the Syndicate to treat the notification dated 29.02.2024 recommending for appointment of 83 (eighty-three) Assistant Professors in 21 (twenty-one) subjects including Physics & Botany to be treated as null & void, on the ground that the same was issued without approval of the State Govt. (DP, Govt. of Manipur) as mandated in the OMs dated 16.08.2021 & 11.04.2023. The Syndicate, after due deliberation, agreed to treat the notification dated 29.02.2024 as null & void. After that the subject wise recommendations of the Selection Committee on the basis of the earlier interview were placed before the Syndicate and the Syndicate unanimously agreed to accept the recommendations of the Selection Committee for teaching post and also approved the additional 60(sixty) teaching posts in 16(sixteen) different subjects/departments. In resolution no. 2, it was recorded that in respect of Physics & Botany subjects, the data/tabulation sheets were found blank; no assessment was marked against any of the candidates; and the Syndicate agreed to conduct fresh interview of the candidates who were invited and appeared in the interview held earlier for these two subjects; no fresh applications or call letter would be required and interview to be conducted as early as possible.

- (v). In terms of the decision of the Syndicate meeting held on 18.07.2024, the new VC, DMU issued a notification dated 18.07.2024 bearing no. 3/1/2018-DMU/Rect./2020-I(Pt.) by recommending candidates in 19 (nineteen) subjects/departments in 3 (three) different tables. Table-'A' consists of 4 candidates each (except Electronics-3) for 19 subjects as included in the notification dated 29.02.2024 (excluding Physics & Botany); Table-'B' consists of additional posts in 14 subjects/departments out of 60 additional posts recommended in 16 subjects/departments including 14 from the subject Zoology; & Table-'C' includes the combine candidates

from Tables 'A' & 'B' in order of merit of appointment as the Assistant Professors in 20 subjects. In the notification dated 18.07.2024, the 8 (eight) selected candidates for the posts of Assistant Professor in Physics & Botany (4 each) from the notification dated 29.02.2024 are not included in terms of the resolution no.2 of the emergency Syndicate meeting held on 18.07.2024 due to alleged absence of tabulation/mark sheets.

- (vi). The Registrar DMU issued an addendum dated 18.07.2024 adding 'paragraph 10' in the earlier notification dated 18.07.2024 stating that notification dated 18.07.2024 was issued in supersession of notification dated 29.02.2024 notifying list of selected candidates for the post of Assistant Professor in 21 (twenty-one) subjects/ Departments including Physics and Botany.
- (vii). The Registrar, DMU issued another notification dated 19.07.2024 bearing no. 3/1/2018-DMU/Rect./2020-II (Pt.) for conducting fresh interview for the post of Assistant Professor in Botany & Physics with effect from 30.07.2024 and only for those candidates, who had already appeared in the earlier interview held from 16.10.2021 to 18.10.2021 for Botany and from 17.12.2021 to 19.12.2021 for Physics, would be eligible; and fresh call-letters would not be issued.
- (viii). Writ petitions, being WP(C) No. 501 of 2024, WP(C) No. 545 of 2024, WP(C) No. 486 of 2024 and WP(C) No. 633 of 2024 are filed by 6(six) of the selected candidates from Physics and Botany subjects (3 each for each subject, whose name are recommended vide notification dated 29.02.2024). Vide order dated 23.07.2024 in WP(C) No. 486 of 2024, this Court permitted the petitioner to appear in the proposed interview to be conducted on 30.07.2024 and directed that result be not declared without leave of this Court and 1(one) seat be kept apart. Vide another order dated 29.07.2024 in WP(C) No. 501 of 2024, this Court kept under suspension the impugned notification dated 19.07.2024 for holding fresh interview to be conducted from 30.07.2024 for Assistant Professor in Botany and Physics till next date; and interim order has been extended from time to time. Vide

order dated 23.08.2025 in WP(C) No. 495 of 2024, it was held that the interim order dated 29.07.2024 in WP(C) No. 501 of 2024 staying the interview in pursuance to notification dated 19.07.2024 would be applicable for both Physics and Botany and interim order has been extended from time to time.

- (ix). The petitioners have also filed a copy of the social media facebook post of the Raj Bhavan, Manipur issued in July, 2024, regarding delay in declaring result for Assistant Professor in Botany & Physics. The new VC (Shri H. Gyan Prakash) explained to Hon'ble Governor that tabulation sheets submitted on examination by authority was incomplete and listing only 4 candidates each for Botany and Physics, while needed to be filled 11 and 13 positions respectively. This facebook post of the Raj Bhavan has not been denied by the respondents (both State & DMU).
- (x). In the counter-affidavit of DMU in the disposed of writ petition vide order dated 08.02.2024, i.e., WP(C) No. 790 of 2023 (which has attained finality), the University has especially admitted that the interview has been successfully completed and OMs dated 16.08.2021 & 11.04.2023 are not applicable to the DMU. However, in the common counter-affidavits of State as well as DMU, a contrary stand has been taken by DMU in this batch of writ petitions.
- (xi). Vide order dated 24.07.2025 in this batch of writ petitions, this Court directed DMU to explain number of seats proposed for the interview in Physics & Botany subjects as on date and number of seats available for fresh interview vide notification dated 19.07.2024; and whether the candidates in notification dated 29.02.2024 are included in toto in subsequent notification dated 18.07.2024, except for candidates in Botany & Physics. In pursuance to this direction, the Registrar, DMU filed an affidavit dated 20.08.2025 stating that- (a) seats for **Botany & Physics** as on date for the proposed fresh interview in terms of notification dated 19.07.2024 as per advertisement no. 3/2020 dated 19.12.2020 are **4(advertised) & 7(additional)** and **4(advertised) & 9(additional) posts**

respectively, i.e., **11(4+7) posts & 13(4+9) posts for Botany & Physics**; and (b) the candidates in notification dated 29.02.2024 are included in toto in the subsequent notification dated 18.07.2024 except for Botany & Physics.

- (xii). Accordingly, vide order dated 22.08.2025 and in view of the affidavit dated 20.08.2025 filed by the Registrar of DMU, the interim order dated 29.07.2024 was modified by giving liberty to DMU to conduct fresh interview for 7 additional seats in Botany and 9 additional seats in Physics for the post of Assistant Professor. However, the earlier order staying in holding fresh interview was limited to 4 seats each for Botany & Physics (already appointed in terms of notification dated 29.02.2024) and with a direction not to fill up these 8 (eight) seats in litigation without the leave of this Court.
- (xiii). With the modification of the interim order dated 29.07.2024 staying the notification dated 19.07.2024 for holding fresh interview for the post of Assistant Professor in Physics and Botany by a subsequent order dated 22.08.2025 permitting DMU to hold interview for 7 & 9 additional posts in Botany and Physics by keeping stay order confined to 4 seats each, the cause of writ petition, being WP(C) No. 728 of 2024, does not survive. It may be noted that the substantive prayer in WP(C) No. 728 of 2024 is for a direction to the authority to hold interview/viva voce for the post of Assistant Professor in Botany in terms of the advertisement no. 03/2020 dated 19.12.2020; read with notification dated 19.07.2024 for fresh interview; and resolution no.2 of the emergency Syndicate meeting held on 18.07.2024 recommending for fresh interview. Since this Court permitted DMU to conduct fresh interview for additional posts in terms of notification dated 19.07.2024 in Botany and Physics and DMU has contemplated to take steps for holding the same, the prayer for holding fresh interview in Botany has been fulfilled. It may be noted that the writ petitioners do not specify any number of seats in Botany for holding fresh interview.

- (xiv). Writ petition, i.e., WP(C) No. 691 of 2024: Moirangthem Bisheshwor Singh & Ors. v. State of Manipur & Ors. is pending before this Court challenging the additional appointment of Assistant Professors by the notification dated 18.07.2024 (Table 'B') in excess of the posts advertised vide Advertisement No.03/2020 dated 19.12.2020.

Points for Determination:

[54] On the basis of the pleadings of the parties, the submissions at bar, the relevant provisions of the Dhanamanjuri University Act, 2017 and case laws cited by the parties, this Court frames the following '**points for determination**' for disposal of the present writ petitions and miscellaneous applications:

I. Whether the writ petitions and applications are maintainable or not in the present form, as raised by learned counsel for the official respondents?

II. Who is the competent authority to make appointment of teachers for the University under Dhanamanjuri University Act of 2017?

III. Whether the Syndicate has power to annul its earlier decision?

IV. Whether the Vice Chancellor has power to convene the meeting of the Syndicate including emergency meeting?

V. Whether prior approval of the State Government, Department of Personnel & Administrative Reforms (Personnel Division) is required by Dhanamanjuri University for declaring result of the recruitment of Assistant Professors as mandated by Office Memoranda dated 16.08.2021 & 11.04.2023 issued by Govt. of Manipur, Department of Personnel & Administrative Reforms (Personnel Division)?

VI. Whether the result of appointment of Assistant Professors in Physics and Botany by notification dated 29.02.2024 can be cancelled by another subsequent notification dated 18.07.2024 issued by DMU only on ground of blank data/tabulation sheets and non-assessment of candidates in the interview for these two subjects in the interview?

[55] Before indulging into the factual matrix of cases in hand, it will be fruitful to discuss the relevant provisions of the Dhanamanjuri University Act, 2017 so as to enable to decide the disputes.

[56] Section 2(3) of the DMU Act provides that State Government of Manipur may create new essential posts for the newly established Dhanmanjuri University. As per proviso to sub section (2) of Section 2, subsequent creation of posts, both for teaching and non-teaching faculties, shall be made by the appropriate authority of the University. Sub sections (f) & (g) of Section 10 of the Act empower the University to create posts for teaching, administrative and other posts and to make appointments thereto; and also, power to appoint or recognize teachers including to the post of Assistant Professor.

[57] The 'Syndicate', as defined in Section 2(n) and Section 17 of the Act, is the 'principal executive body' of the University and is in charge of the general management and administration. Statute 12 of the Second Schedule of DMU Act prescribes the composition of the Syndicate headed by the Vice Chancellor and consisting of Pro-VC, Administrative Secretary of Higher Education, Govt. of Manipur, 3 Deans of Studies, Dean of Students, 4 persons nominated by the Chancellor, 3 teachers nominated by the Chancellor on the recommendation of VC, 3 Senate members (non-employee of DMU or affiliates) nominated by the Chancellor, 3 Heads of constituent/affiliated colleges and institutes, and Director of University & Higher Education, Manipur. Statute 13(i) appended to Second Schedule of the Act, empowers the Syndicate as the competent authority to appoint such Professors, Associate Professors, Assistant Professors and other members of the teaching staff, on the recommendation of duly constituted Selection Committee. Statute 26(i) prescribes 'teachers' of the University as 'appointed-teachers' and 'recognized-teachers'. Further, Statute

26(ix) stipulates that no person shall be appointed or recognized as a teacher of the University, except on recommendation of a Selection Committee constituted for the purpose.

[58] Statute 27(i) of Second Schedule of the Act prescribes 'Selection Committee of Teachers' as an authority for making recommendations to the Syndicate for appointments to the posts of Professors, Associate Professors and Assistant Professors and Assistant Professors. In terms of Statute 27(ii), the Selection Committee for Assistant Professor and Associate Professor shall consist of- (i) VC, in his absence, Pro VC as Chairman, (ii) One nominee of the Chancellor, (iii) Head of Department concerned, (iv) Three outside experts in the subject to be invited out the list approved by the Syndicate. The quorum of the Selection Committee shall be four with at least two outside subject experts. If the Selection Committee recommends to the Syndicate 'only one person' and such person is not acceptable; in such situation and exercising power conferred under Statute 27(iv), the Syndicate may not accept the single person recommendation of the Selection Committee by recording reasons in writing and direct the Registrar to advertise the vacancy again and convene a meeting of the Selection Committee for making fresh recommendations. Every member of the Selection Committee shall be communicated the reasons recorded by the Syndicate for not accepting the single person recommendation. Statute 27(v) stipulates a situation where the Syndicate is not able to accept 'any recommendation' [meaning thereby 'multiple persons recommendations' as opposed to 'single person recommendation' under Statute 27(iv)] made by the Selection Committee, the Syndicate shall remit the same to the Selection Committee for reconsideration. If the difference is not resolved even after reconsideration by the Selection Committee, the Syndicate shall record its reason and submit the Chancellor for passing appropriate orders.

[59] Section 12 of DMU Act defines the Governor of Manipur shall be the 'Chancellor' of the University. Sub section 8 of Section 12 lays down that the Chancellor may, by order in writing, annul any proceeding of the University which is not in conformity with the Act, Statute or the Ordinances. Before passing such order annulling any proceeding, the Chancellor shall call upon the University to

show cause why such an order should not be made and shall consider the cause if any submitted within reasonable time. It may be clarified that the proceeding of the Selection Committee forwarded by the Syndicate to the Chancellor in exercise of power under Statute 27(v), will fall within the meaning of 'any proceeding of the University' as contemplated in Section 12(8) of the Act. In other words, Chancellor is the only authority under DMU Act who can annul any proceeding of the University including the recommendations of multiple persons for appointment as teachers of the University.

Authority to make appointment of teachers in DMU & Power to annul any proceedings of DMU

[60] From the above discussions on the inter relationship of various provisions of DMU Act and its Statutes, it is crystal clear that on reading together the proviso to Section 2(2) and Section 10(f) & (g) of the Act, the University has general power to create subsequent posts after its establishment and make appointment thereto including the teachers. The power to make appointment of teaching faculty including Assistant Professor has been vested to the Syndicate as competent authority to make such appointment by Statute 13(i) and that too on the recommendations made by the Selection Committee in terms of Statutes 26(ix) & 27. As contemplated under Statute 27(iv), the Syndicate may not accept the 'single person recommendation' of the Selection Committee for reasons to be recorded in writing and direct the Registrar to advertise the vacancy again and convene a meeting of the Selection Committee. In other words, the Syndicate can reject the 'single person recommendation' of the Selection Committee for appointment as teacher. However, Statute 27(v) prescribes that if 'multiple persons recommendations' are made by the Selection Committee for appointment as teachers of the University and if the same is not acceptable to the Syndicate, it shall remit the same to the Selection for reconsideration. If the difference is still not resolved even after reconsideration by the Selection Committee, the Syndicate shall, by recording reasons, submit the case to the Chancellor for order. It may be clarified that under Section 12(8) of the Act, it is the only the Chancellor who can annul any proceedings of the University including the recommendation of the Selection Committee and earlier decision

of the Syndicate, if the same are not in conformity with the purpose of the Act, the Statutes or the Ordinances of the University. On plain reading of the provisions of Section 12(8), Statute 26(ix), Statute 27(v) and Statute 13, the only possible conclusion is that the Syndicate does not have any power to annul the recommendations made by a duly constituted Selection Committee of 'multiple persons for appointment as teachers' of the University and also the 'earlier decision/proceeding' of the Syndicate itself. Statute 13, which prescribes the power of the Syndicate, does not contain any entry which empowers it to annul its earlier decision. Such power can be exercised the Chancellor in exercise of power under Section 12(8) of DMU Act. Considering the language of Statutes 27(iv) & 27(v) carefully, the term 'any recommendation' occurring in Statute 27(v) would only mean 'multiple persons recommendation' and will fall within the meaning of 'any proceeding' as stipulated in sub subsection 8 of Section 12 of DMU Act, 2017 and the Chancellor alone can annul such recommendations of the Selection Committee.

[61] In the circumstances, the logical conclusion is that under Statute 13(i) of Second Schedule of DMU Act, 2017, the 'Syndicate' is the competent authority of the University to make appointment to the post of teachers including the Assistant Professors on the recommendations of a duly constituted 'Selection Committee of Teachers' in terms of Statutes 26(ix), 27(iv) & 27(v). Further, the Syndicate may not accept the recommendation of 'single person' for appointment as teacher and may direct for fresh advertisement. However, in case 'multiple persons recommendations' made by the Selection Committee for appointment of teachers, the Syndicate cannot reject the recommendations even after reconsideration by the Selection Committee and it has to refer, by recording reasons in writing, to the Chancellor for taking appropriate decision. Statute 13 does not confer any power to the Syndicate to annul its earlier decision. The power to annul 'any proceeding' of the University including the 'multiple persons recommendations' of the Selection Committee and 'earlier decision' and/or 'proceeding' of the Syndicate, can only be exercised by the Chancellor under Section 12(8) of the Act; if such proceedings/decisions are in contravention of the schemes of the Act, the Statutes or the Ordinances. This answers the 'Points for Determination II & III'.

Power of Vice Chancellor to convene meeting of the Syndicate

[62] Sub section 3 of Section 13 of DMU Act stipulates the Vice Chancellor as the 'principal executive' and 'academic officer' of the University and ex-officio Chairman of the Syndicate, the Academic Council and Finance Committee. He shall, in absence of the Chancellor, preside at any convocation for conferring degrees and also at any meeting of the Senate. As provided by Statute 12(i)(a) of the Second Schedule of the Act, Vice Chancellor is the ex-officio head of the Syndicate. Statute 3(iii) confers power on Vice Chancellor to convene meetings of the Senate, the Syndicate and the Academic Council and exercising power under Statute 3(v), the Vice Chancellor may take up any action if such a situation has arisen in emergency and shall place the same for approval at the next meeting of the authority including the Syndicate. For convening any meeting of the University, the Act and Statutes do not contemplate a situation which requires permission of the Registrar or informing him/her by the Vice Chancellor before convening meeting of the authority including the Syndicate. Under Statute 7(iv)(d), the Registrar can call an emergency meeting of Syndicate to take its directions for carrying on the work of the University; only when the Vice Chancellor, or any of the Pro Vice Chancellors, or the seniormost Dean in station are not available to act.

[63] From the above analysis, it is abundantly clear that Vice Chancellor is the 'overall principal officer' of the University as mandated by Section 13(3) of the Act and is ex-officio head of the Syndicate. Statute 3(iii) empowers the Vice Chancellor to convene meeting of the Syndicate including the 'emergency meeting' and permission and/or informing the Registrar is not required. However, in case of inability of the Vice Chancellor and other senior officers of the University to act, the Registrar can call an emergency meeting of the Syndicate for directions under Statute 7(iv)(d). To put in simpler term, Vice Chancellor is the 'sole authority' for convening the meeting of the Syndicate, including the 'emergency meeting' in terms of the provisions of Statute 3(iii) of the Act. This answers the 'Points for Determination IV'.

Whether prior approval of State Government required for declaring result of recruitment of Teachers of DM University?

[64] The main thrust of argument of Mr. H. Debendra, learned Dy. AG hinges on the interpretation of Section 30 of DMU Act, 2017. An attempt is made to highlight that Section 30 enables the Government of Manipur to make such provisions, not inconsistent with the purposes of the Act, for removing difficulties in giving effect to the provisions of this Act. Such an order made under this Section has to be published in the Official Gazette. Learned Dy. AG refers to the two 'Office Memoranda' dated '16.08.2021' and '11.04.2023' which require to take prior approval/concurrence of Department of Personal (DP), Government of Manipur, for conducting the recruitment and declaration of result of the examination conducted by all Government departments and its agencies (including PSUs, companies, societies, autonomous bodies, universities and institutes of higher learning). Universities and institutes of higher learning are not included in the OM dated 16.08.2021, but later on added within this purview by a subsequent OM dated 11.04.2023. Learned Dy. AG tries to impress upon this Court that reading together the provisions of Section 30 of the DMU Act, 2017 and 'Office Memoranda' dated '16.08.2021' and '11.04.2023' issued by the Department of Personnel, Government of Manipur, DMU has to take prior approval of the State Government for declaring the result of recruitment of its employees including the appointment of Assistant Professors initiated vide Advertisement No. 03/2020 dated 19.12.2020.

[65] This Court has minutely and carefully examined the situation where State Government can invoke the power under Section 30 of DMU Act. The situation contemplated for exercising this residual power is only when there is/are difficulty(s) 'in giving effect to the provisions of the Act'; and only then the State Government can step in to do needful for removing the difficulty, not inconsistent with the purpose and object of the Act. Except for removing difficulty, the State Government has no role in the recruitment of the employees of the University including appointment of teachers, especially Assistant Professors. Learned Dy. AG has miserably failed to exhibit the 'difficult situation' as contemplated in Section 30 of the Act, so as to enable the State Government

to interfere in the appointment of the employees of the University. This Court is not able to accept the submission that the 'Office Memoranda' dated '16.08.2021' and '11.04.2023' would be applicable in case of appointments made by DMU as contemplated by Section 30 of DMU Act. It may be recalled that in Para 61 (supra) while considering 'Points of Determination II', this Court has already held that Syndicate is the sole authority of the University to make appointments of its employees including Assistant Professors, on co-joint reading of the provisions of Statutes 13(i) and 26(ix). The University, being a statutory body, is not bound to follow the directions in 'Office Memoranda' dated '16.08.2021' and '11.04.2023'; as executive directions cannot trample over provisions of the statute and too in absence of 'any difficult situation' as contemplated under Section 30 of DMU Act. This Court is of the considered opinion that in absence of any difficult situation as mandated by Section 30 of the Act, the OMs will not be applicable to DMU and as a necessary concomitant, it is held that DMU does not require approval of State Government, specially from the Department of Personnel for declaring result of recruitment of Assistant Professors initiated vide Advertisement No. 03/2020 dated 19.12.2020. This conclusively decides 'Points for Determination V'.

Maintainability of Writ Petitions and Applications

[66] On behalf of the official respondents, Mr. H. Debendra, learned Dy. AG and Mr. I. Denning, learned counsel for DMU have raised the maintainability of the writ petitions and the accompanying applications on numerous heads. The 'first head is the question of introducing new substantive prayers for the first time' by way of applications for amendment of prayer in the main petitions and in the rejoinder affidavits. It has been pointed out that by an MC(WP(C)) No. 710 of 2024 [Ref: WP(C) No. 495 of 2024], the petitioner tries to introduce new prayers in the writ petition challenging 'Resolution no.2 of Agenda I' of the proceedings of the Emergency Syndicate meeting held on 18.07.2024 relating to Botany subject and 'Addendum' dated 18.07.2024. The reason for filing the amendment application is that the petitioner came to know about the same when the counsel for the respondents mentioned before this Court. Likewise, in MC(WP(C)) No. 713 of 2024 [Ref: WP(C) No. 486 of 2024],

the petitioner prays for inserting new reliefs for quashing 'Addendum' dated 18.07.2024, Para 7 of the Notification dated 18.07.2024 in the proceedings of the emergency Syndicate meeting held on 18.07.2024 at Resolution No.2 of Agenda I with respect to Physics subject. It is stated that the petitioner came to know about the Addendum dated 18.07.2024 only when the official respondents filed an application for vacating the interim orders. In WP(C) No. 486 of 2024, Addendum dated 18.07.2024 has been introduced for the first time in the rejoinder affidavit filed by the petitioner and no relief has been prayed for in the main writ petition.

[67] It is the specific plea of the official respondents that new plea cannot be introduced by way of amendment and/or affidavit, otherwise the nature of the writ petitions will be changed substantially due inclusions of new reliefs which have not been prayed for in the main petitions. The reasons given by the petitioners for introducing new reliefs are not satisfactory and ought to be rejected. On the other hand, the petitioners take similar plea that they came to know about the existence of new pleas after the respondents mentioned in their applications for vacating interim order filed by them in the court. It is pointed out that in connected matters there are overlapping of reliefs and some extra reliefs are made in other petitions. It is also urged that the so-called new reliefs are not at all totally different reliefs, but in the nature of collateral reliefs for the sake of technicalities. The new reliefs will not alter the nature of the relief prayed for in the petition. It is urged that the substantive pleas in all these writ petitions are quashing the notification dated 18.07.2024 with respect to Physics and Botany which cancelled the earlier notification dated 29.02.2024 and a direction to DMU to appoint the petitioners as Assistant Professors in Physics and Botany.

[68] This Court is conscious of the settled proposition of law on the question of amendment of pleadings. Generally, new pleas which would substantially change the nature of the lis between the parties are, a matter of course, not permissible. On the other hand, new plea can be raised if goes to the root of the matter and essential in deciding the dispute. Another aspect is the likelihood of causing irreparable loss on denial of the proposed amendment.

In the case of **LIC v. Sanjeev Builders (P) Ltd.: (2022) 16 SCC 1**, Hon'ble Supreme Court observed that amendment of pleading shall be allowed liberally, but time barred relief cannot be introduced by way of amendment.

18. It is well settled that the court must be extremely liberal in granting the prayer for amendment, if the court is of the view that if such amendment is not allowed, a party, who has prayed for such an amendment, shall suffer irreparable loss and injury. It is also equally well settled that there is no absolute rule that in every case where a relief is barred because of limitation, amendment should not be allowed. It is always open to the court to allow an amendment if it is of the view that allowing of an amendment shall really subserve the ultimate cause of justice and avoid further litigation.

[69] Applying the above principle, this Court is of the view that the new reliefs, sought to be introduced by the petitioners, are not, at all, alien to the main prayers. From the pleadings of the parties, it can be gathered that the substantive reliefs prayed for by the petitioners are for setting aside the notification dated 18.07.2024 as it relates to the cancellation of the result of Assistant Professors of Physics and Botany vide notification dated 29.02.2024; and for inclusion of their names in the list of selected candidates. Some of the new pleas are already included in connected matters, especially in WP(C) No. 633 of 2024. If all these writ petitions are considered together, the so-called new reliefs are already made in connected matters. Even if the some of new reliefs are not prayed for in the main petitions, their inclusion will not change the nature of the petition and substantive reliefs of inclusion of the petitioners' name in the list of selected candidates. Taking into consideration all these aspects and all the petitions being heard together and disposed of by common judgment, this Court does not find any convincing reason to accept the objection of the official respondents to the new reliefs introduced by the petitioners.

[70] The 'second head on maintainability is about non-impleading of all candidates who appeared in the earlier interview', but not selected in the notification dated 29.02.2024. The reason behind this objection is that the petitioners have prayed for a stay on the proposed fresh interview for Physics

and Botany as per notification dated 19.07.2024. It is explained that the petitioners do not know the number of seats proposed to be included in the fresh interview and come to know about the same from additional affidavit dated 20.08.2025 filed by the Registrar of DMU before this Court that 13 (4+9) and 11 (4+9) seats in Physics and Botany are proposed in the fresh interview. This Court is of the firmed view that with passing of order dated 22.08.2025 modifying the earlier interim order dated 29.07.2024 staying the notification dated 19.07.2024 for fresh interview, and allowing DMU to conduct fresh interview for 9 additional and 7 additional seats in Physics and Botany, this objection does not survive any longer.

[71] The 'third head on maintainability is disputed fact' in writ petitions. Learned counsel for the official respondents try to project that the batch of writ petitions involves question of disputed facts. The controversy is about blank tabulation/data sheets in the proceedings of interview of Physics and Botany and non-assessment of the candidates by the Selection Committee. It is urged that such question of disputed facts cannot be look into by this Court in writ proceedings and is a subject matter in vigilance inquiry. Mr. H. Kenajit, learned counsel for the petitioner in WP(C) No. 486 of 2024 clarifies that the dispute is the creation of the official respondents and they cannot take advantage of their own wrong. It is pointed out that the averments of the former VC in his counter affidavit have not been controverted by the official respondents. It is the specific case of the former VC that the Selection Committee consisting of all the subject experts including those participated online (for Physics, Botany & 4 other subjects) during covid pandemic, assessed all the candidates based on their performances. The former VC entrusted to the Registrar to collect signatures of the subject experts participated online on the signed recommendations and tabulation sheets and after collecting the signatures from outside experts, the Registrar submitted the same to the former VC. Learned counsel has highlighted the Registrar did not raise the question of blank tabulation/data sheets and non-assessment of the candidates appearing in Physics and Botany at that time or any time before issuance of notification dated 29.02.2024. This allegation is made at a very late stage of issuance of notification dated 18.07.2022. It is explained that the outside expert would not sign on the blank tabulation sheets.

Two experts who participated physically in interview for Physics and Botany subject also asserted that they assessed the candidates. It is clarified that the scope of vigilance inquiry is to examine the disappearance of the tabulation sheets of Physics and Botany subjects after declaration of result vide notification dated 29.02.2024.

[72] From the pleading on record, it is clear that the former VC asserted in his affidavit that Selection Committee properly assessed the candidates and markings were made against each candidate. The outside subject experts, participating online in six subjects including Physics and Botany later on, signed on the tabulation sheets and other documents of the proceeding; their signatures were collected by the Registrar on the advice of the former VC; and the Registrar submitted the signed documents to former VC. Moreover, two subject experts (of Physics & Botany) participating physically, submitted letters to VC confirming the fact that they assessed the candidates on the basis of their performance. The Registrar never raised the issue of blank tabulation sheets for Physics and Botany at the time of collecting the signatures of outside subject experts attending online and during/before the meeting of Syndicate held on 27.02.2024. Considering the materials on record, this Court is of the view that there were proper documents for Physics and Botany at the time of meeting of Syndicate held on 27.02.2024 and the same might have been misplaced or disappeared at a later stage. This view is fortified by the decision of Hon'ble Supreme Court in the case of **Bharat Singh v. State of Haryana: (1988) 4 SCC 534** to the effect that in a writ petition and/or counter affidavit, not only facts but also the evidence in proof of such facts have to be pleaded and documents annexed to them. Para 13 is reproduced below:

"13. In our opinion, when a point which is ostensibly a point of law is required to be substantiated by facts, the party raising the point, if he is the writ petitioner, must plead and prove such facts by evidence which must appear from the writ petition and if he the respondent, from the counter-affidavit. If the facts are not pleaded or the evidence in support of such facts is not annexed to the writ petition or to the counter-affidavit, as the case may be, the court will not

entertain the point. In this context, it will not be out of place to point out that in this regard there is a distinction between a pleading under the Code of Civil Procedure and a writ petition or a counter-affidavit. While in a pleading, that is, a plaint or a written statement, the facts and not evidence are required to be pleaded, in a writ petition or in the counter-affidavit not only the facts but also the evidence in proof of such facts have to be pleaded and annexed to it.”

[73] In the present cases, the petitioners have specifically pleaded the relevant facts of assessment of marks by experts in the interview for Physics and Botany and filed necessary documents to substantiate such positive assertions. Letters of the subject experts in this regard are on record of the present cases. The former VC has also specifically mentioned in his counter affidavit that the subject experts and the Selection Committee made assessment of all candidates appearing in the interview, including candidates appeared for Physics and Botany. The official respondents have not produced any materials to deny and controvert the positive assertions of the former VC and subject experts about the proper evaluation of all candidates appeared in interview for Physics and Botany, except for allegation of blank tabulation sheets as recorded in the proceedings of the Syndicate meeting held on 18.07.2024. The silence of the Registrar regarding blank tabulation sheets at the time of collecting signatures of experts attended online and at the time of Syndicate meeting held on 27.02.2024, seems to suggest that the tabulation sheets and other documents were present at the time of Syndicate meeting held on 27.02.2024 and issuance of notification dated 29.02.2024. It is expected that the outside subject experts who have participated in the interview online, would not signed on the blank tabulation and score sheets of the interview for Physics and Botany. It seems that the tabulation sheets and other related documents for Physics and Botany were missing or found blank during the proceeding of Syndicate held on 18.07.2024. The vigilance inquiry is perhaps to find out the manner of disappearance of tabulation sheets for Physics and Botany. Blank tabulation sheets and non-assessment of the candidates for Physics and Botany as allegedly discovered at the time of Syndicate meeting held on 18.07.2024, does not automatically mean that such papers were also non-existent during Syndicate meeting held on 27.02.2024, keeping in mind the

uncontroverted averments of the former VC and views of the subject experts filed along with the petitions. Accordingly, objection to disputed facts does not find merit for serious consideration to this Court in absence of credible materials from the official respondent to controvert the pleas of the petitioners, counter affidavit of the former VC and letters of the subject experts.

[74] The other plea, such as 'no indefeasible right of the petitioners to be appointed' does not warrant further consideration for the simple reasons that the petitioners had already been appointed as Assistant Professors in Physics and Botany vide notification dated 29.02.2024 on approval by the Syndicate in its meeting held on 27.02.2024 the recommendations of the Selection Committee. Their appointments were subsequently cancelled by the notification dated 18.07.2024. The petitioners had already accrued vested rights. Accordingly, all the objections to the maintainability of writ petitions and applications are rejected being devoid of merit. 'Points for Determination I' is accordingly decided.

Whether the result of appointment of Assistant Professors in Physics and Botany vide Notification dated 29.02.2022 can be cancelled by another subsequent notification dated 18.07.2024 on the ground of blank tabulation sheets for these two subjects?

[75] In Para 61 (supra), it has been held and observed that in terms of Statute 13(i) of Second Schedule of DMU Act, 2017, the 'Syndicate' is the competent authority of the University to make appointment to the post of teachers including the Assistant Professors on the recommendations of a duly constituted 'Selection Committee of Teachers' in terms of Statutes 26(ix), 27(iv) & 27(v). Further, the Syndicate may not accept the recommendation of 'single person' for appointment as teacher and may direct for fresh advertisement. However, in case 'multiple persons recommendations' made by the Selection Committee for appointment of teachers, the Syndicate cannot reject the recommendations and has to refer, by recording reasons in writing, to the Chancellor for taking appropriate decision. Statute 13 does not confer any power to the Syndicate to annul its earlier decision. The power to annul any proceeding of the University including the 'multiple persons recommendations' of the Selection Committee and 'earlier decision' and/or 'proceeding' of the Syndicate,

can only be exercised by the Chancellor under Section 12(8) of the Act, if such proceedings/decisions are in contravention of the schemes of the Act, the Statutes or the Ordinances. Thus, it is crystal clear that the Syndicate does not have any power to annul its earlier decision and such power of annulment of any proceeding of DMU is the exclusive domain of the Chancellor. Further, in Para 72 & 73 (supra), it has also been observed that based on the pleadings on record and documents annexed, there are not sufficient materials to believe theory of blank tabulation sheets and absence of other relevant documents of Physics and Botany at the time of the Syndicate meeting held on 27.02.2024 and issuance of notification dated 29.02.2024. It is held that the Syndicate has no power to cancel the notification dated 29.02.2024 by issuing a subsequent notification dated 18.07.2024. Accordingly, cancellation of result of Assistant Professors for Physics and Botany, on the ground of blank tabulation sheets and non-assessment of candidates, cannot be sustained. 'Points for Determination VI' is also decided.

Status of WP(C) Nos. 728 of 2024 & 580 of 2025 filed by unsuccessful candidates in Botany

[76] As already discussed in Para 53(xiii) (supra) that writ petition WP(C) No. 728 of 2024 is filed by some of the unsuccessful candidates in Botany whose names have not been included in both the notifications dated 29.02.2024 and 18.07.2024. The substantive relief prayed for is for a direction to hold fresh interview for Botany in terms of notification dated 19.07.2024 issued by the Registrar as per Resolution no.2 of Agenda I of the proceedings of the emergency Syndicate meeting held on 18.07.2024 in connection with Advertisement No. 03/2020 dated 19.12.2020. There is a prayer for vacating the interim order dated 29.07.2024 passed in connected writ petitions staying the notification dated 19.07.2024 for fresh interview for Physics and Botany. The stay order dated 29.07.2024 was subsequently modified by another order dated 22.08.2025 permitting DMU to conduct fresh interview for additional '9' and '7' seats in Physics and Botany and keeping the stay order confined to '4' seats each for these subjects already appointed vide notification dated 29.02.2024. Thereafter, DMU has initiated process for fresh interview for the additional seats as permitted

by this Court. In the circumstances, the cause of WP(C) No. 728 of 2024, praying for direction for holding interview for Botany, does not survive any longer and the same is closed as infructuous by the subsequent event.

[77] The only prayer in WP(C) No. 580 of 2025 is for cancellation of notification dated 29.02.2024 recommending appointment of Assistant Professors in Botany due to allegation of blank tabulation sheets and for a direction to complete the ongoing inquiry. This Court is of the opinion that the notification dated 29.02.2024 has already been superseded by subsequent notification dated 18.07.2024 read with Addendum dated 18.07.2024 and as such the same does not exist on the date of filing of WP(C) No. 580 of 2025. It is a common law principle that writ petition praying for quashing of a non-existent impugned order is not maintainable. Accordingly, it is held that WP(C) No. 580 of 2024 is not maintainable in the present form and accordingly dismissed without expressing any opinion on merit of the case. With regard to the prayer for completion of inquiry about blank tabulation sheets in Botany, it is made clear that this Court has not passed any order including stay of the inquiry and hence no further direction is warranted from this Court.

Decisions & Conclusions:

[78] In view of the discussions and findings arrived above (supra), the following observations and directions are made:

- (i)** WP(C) Nos. 633 of 2024, 501 of 2024, 495 of 2024 & 486 of 2024 are maintainable and accordingly allowed.
- (ii)** 'Syndicate' is the competent authority to make appointment of teachers of the University on the recommendation of the duly constituted Selection Committee on co-joint reading of Statutes 13(i), 26(ix), 27(iv) & 27(v) of Second Schedule of DMU Act, 2017.
- (iii)** 'Syndicate' does not have power to annul or cancel its earlier decisions and such power lies with the 'Chancellor' under Section 12(8) of DMU Act, 2017.

(iv) 'Syndicate' does not have any power to annul or reject 'multiple persons recommendations' made by the 'Selection Committee' for appointment of as 'teachers' of the University including to the post of 'Assistant Professor' in terms of Statutes 13 & 27(v) of Second Schedule of DMU Act, 2017.

(v) Only the 'Chancellor', under the provisions of sub section 8 of Section 12 of DMU Act, 2017, has the power to annul 'any proceeding' of the University including the 'multiple persons recommendations' of the Selection Committee for appointment as teachers and the 'earlier decisions of the Syndicate'.

(vi) DMU does not require prior approval of the State Government for recruitment and appointment of its employees including that of the Assistant Professors in terms of Office Memoranda dated 16.08.2021 & 11.04.2023 issued by Department of Personnel, Government of Manipur.

(vii) 'Vice Chancellor' has exclusive power to convene meeting of the authority of the University including that of Syndicate under Statute 3(iii), except for the situation contemplated under Statute 7(iv)(d).

(viii) The 'resolution no.2 of Agenda I' of the proceedings of the emergency Syndicate meeting held on 18.07.2024 with regard to cancellation of appointment of '4' Assistant Professors each in Physics and Botany [i.e., '8' in total] are set aside with a direction to include the names of the '4' Assistant Professors each in Physics and Botany [i.e., '8' in total] from notification dated 29.02.2024 in Tables 'A' and 'C' of the notification dated 18.07.2024 in the same order as mentioned in notification dated 29.02.2024.

(ix) Dhanamanjuri University is directed to issue appointment orders to the 'six writ petitioners' in WP(C) Nos. 633 of 2024, 501 of 2024, 495 of 2024 & 486 of 2024 forthwith; whose names are as mentioned in Para 5 (supra).

(x) Notification dated 19.07.2024 issued by the Registrar, DMU for fresh interview in Physics and Botany has already been modified by order dated 22.08.2025 by allowing DMU to hold fresh interview for additional seats of '9' and '7' post of Assistant Professors in Physics and Botany.

New appointees in Physics and Botany in terms of notification dated 19.07.2024, will be placed below the petitioners in WP(C) Nos. 633 of 2024, 501 of 2024, 495 of 2024 & 486 of 2024; as they would be new appointees from subsequent interview and whose names were not included in both notifications dated 29.02.2024 & 18.07.2024. Interim orders dated 29.07.2024 and 22.08.2025 merge with final order in terms of direction in **Para 78(ix)**.

(xi) WP(C) No. 728 of 2024 is closed as infructuous in view of the order dated 22.08.2025 allowing DMU to hold fresh interview for additional seats, i.e., '9' & '7' posts of Assistant Professor in Physics and Botany.

(xii) WP(C) No. 580 of 2025 is dismissed as not maintainable.

(xiii) All misc. applications are disposed of in terms of the findings, directions and observations made, supra, in this judgment.

[79] Writ petitions and applications are disposed of in terms of the above findings, observations and directions. No cost. Send a copy of this order to the Registrar, DMU for information and necessary compliance.

JUDGE

FR/NFR

Thoiba