
Rajkumari Premila Devi Vs State of Manipur and Another

Civil Rule No. 361 of 1993

Court: Gauhati High Court (Imphal Bench)

Date of Decision: June 7, 1993

Acts Referred:

Constitution of India, 1950 – Article 226

Citation: (1993) 2 GLR 451

Hon'ble Judges: W.A. Shishak, J

Bench: Single Bench

Advocate: M. Nabakumar Singh and R.K. Nokulsana Singh, for the Appellant; Government Advocate, for the Respondent

Judgement

W.A. Shishak, J.

The Petitioner in this application under Article 226 of the Constitution of India is the lone woman lecturer of L.M.S. Law

College (Government) Imphal, Manipur.

2. In response to an advertisement for appointment to the post of Lecturer of L.M.S Law College which is the only Law College in the State of

Manipur, the Petitioner applied for the post. The Petitioner has requisite educational qualification to hold the post of lecturer of a Law College. The

Petitioner holds a Masters Degree in Law (LL.M.) under Pune University. She secured 55.8% marks in the LL.M. examination.

3. The Petitioner was appointed as part time lecturer on payment of a lump sum remuneration of Rs. 1,000/- (Rupees one thousand) per month

from the date she joins for duty vice Shri Y. Jyotindra Singh retired." It is stated that although the post is permanent as it was vacated by said Y.

Jyotindra Singh on retirement, the appointment of the Petitioner was made as part-time engagement because of ban imposed by the Government of

Manipur for fresh appointment. The said order of appointment was issued by the Commissioner (Education), Government of Manipur on 19

December, 1990.

4. It is contended on behalf of the Petitioner that she is the only female lecturer in this Law College. She is entrusted often to take care of female

students on educational tours in different parts of the country. Being the only woman lecturer she is also often made in charge of looking after the

interest and affairs of the female students of the College. On various occasions and in connection with various activities of the College which is a

Co-educational Institution, the necessity of having woman lecturers has been felt for some time.

5. I have heard Mr. R.K. Nokulsana Singh, learned Counsel for the Petitioner. I have heard also Mr. Jagatchandra Singh, learned Addl.

Government Advocate at length. Mr. Nokulana Singh submits that the case of the Petitioner shall be governed by a direction given by the Supreme

Court in All Manipur Regular Posts Vacancies Substitute Teachers" Association Vs. State of Manipur, in which it was directed that substitute/ad-

hoc appointees who had put in five years service as on 1.10.1990 should be regularised without facing D.P.C. put for those who had put in less

than five years service as on 1.10.1990 special D.P.C.s should be held for the purpose of regularisation, Learned Addl. Government Advocate

opposes this submission and submits that since the appointment of the Petitioner was made only on 19.12.1990 the direction of the Supreme Court

in the aforesaid case cannot come to the rescue of the Petitioner. In view of this it is submitted by learned Addl. Government Advocate that at

most the Petitioner"s case should be considered in a general D.P.C. held for the purpose of filling up the post held by her at the moment.

6. Learned Counsel for the Petitioner refers me to Karnataka State Private College Stop-Gap Lecturers Association Vs. State of Karnataka and

Others, especially para 5 and 7 and submits that the Petitioner is entitled to be paid pay and allowances payable to other full time lecturers of the

College. On perusal of the averments made in the petition, the appointment order issued on 19.12.1990 and after hearing the learned Counsel of

the parties I am of the view that in view of the nature of engagement made in the said appointment, the Petitioner does not appear to have been

fully employed. In other words the Petitioner does not appear to be doing equal work with other full time lecturers. In this view of the matter I do

not accept the submission made in this regard. As regards regularisation of the service of the Petitioner, learned Counsel has given emphasis on the

direction (1) of para 7 of the above Supreme Court decision which reads as under:

Services of such temporary teachers who have worked as such for three years, including the break till today shall not be terminated. They shall be

absorbed as and when regular vacancies arise.

Relying on the aforesaid direction in respect of temporary teachers, it is submitted by the learned Counsel that since the Petitioner has served for

about three years, her service should be regularised. As stated above it is submitted that the post held by the Petitioner is a permanent one.

Vacancy in respect of this post is permanent as the earlier incumbent has since retired. Admittedly the post is permanent and vacancy is a clear

permanent vacancy which should be filled at the earliest in the interest of the Institution. The question that calls for my consideration is whether in

order to fill the post in question, a special D.P.C. should be held or general D.P.C. In other words whether D.P.C. should consider, only the case

of the Petitioner while filling up the post in question or it should be open to all other eligible candidates.

7. In view of the fact that the post held by the Petitioner was advertised, it appears to me that although the appointment is on part-time engagement

the selection of the Petitioner appears to have been made in a regular manner or else the purpose of advertisement would have been defeated. On

query it is stated at the Bar that as of today there is no reservation of posts for women. It appears to me that when we are talking so much of the

upliftment of the weaker section in society, in appropriate cases due weightage appears to be called for when it comes to the type of post in an

Institution of higher learning like the Government Law College in question. It appears to me that it would enhance and promote and enlighten the

weaker section in society if such section in our society has some representation in an important Institution such as this. It appears to me that it will

uplift women in our society if we have some one as the representative on the staff of the College. In such a situation I am inclined to treat the case

of the Petitioner as a special one although it should not be taken as a precedent.

In the light of the facts and findings stated above and after hearing learned Counsel of the parties, in view of the fact that the Petitioner is the only

woman lecturer in this only Government Law College and in view of the fact that it will be in the interest of the society at large to have a woman

lecturer who represents the weaker section of society, I am inclined to direct the State Government to hold a special D.P.C. for the Petitioner, for

in my view to do so will only promote justice in society. The said D.P.C. which should be held exclusively for the Petitioner should take (sic) within

two months from the date of receipt of this order. It appears since the post held by the Petitioner is a permanent one vacated by the earlier

incumbent on retirement, question of ban by the State Government should not arise. However, if there is any such order of ban the special D.P.C.

shall be held for the Petitioner notwithstanding such ban.

With the above observation and direction this petition is disposed of. No cost.