
(2025) 03 UK CK 0832

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 442 Of 2020, 421, 432 Of 2021

Ajay Prasad Uniyal & Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 11-03-2025

Acts Referred:

Citation : (2025) 03 UK CK 0832

Hon'ble Judges : Manoj Kumar Tiwari, J; Pankaj Purohit, J

Bench : Division Bench

Advocate : S.S. Yadav, B.D. Upadhyay, Anil Kumar Joshi, G.S. Negi, C.K. Sharma

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. Since common questions of law and facts are involved in these writ petitions, therefore they are being heard and decided by this common judgment, however, for the sake of brevity facts of WPSB No.442 of 2020 alone are being considered and discussed.

2. The reliefs sought in WPSB No.442 of 2020 are extracted below:-

"i. Issue a writ, order or direction in the nature of the mandamus directing the respondents to complete the final absorption proceedings of the petitioners as per their option dated 11.02.2020 which was made on the dictate of Government's Letter No. dated 1188/XXIV-C-1/2019-01(13)/2014 dated 23.01.2020 (Annexure No. 6 to the writ petition) and given to the department which has attained the finality.

ii. Issue a writ, order or direction in the nature of the certiorari quashing the letter dated 19.02.2020 (Annexure No. 9 to the writ petition) and cancellation order dated 20.02.2020 (Annexure No. 11 to the writ petition).

iii. Issue a writ, order or direction in the nature of the mandamus directing the

respondents no. 2, 3 and 4 to retain the status of the petitioners as per their post and faculty of Sri Dev Suman Uttarakhand University's campus, Rishikesh (in Pandit Lalit Mohan Sharma, Govt. P.G. College, Rishikesh, Dehradun in which administrative control has been handed over by respondent no. 1 to the respondent no. 3 vide letter dated 06.08.2019 (Annexure No. 2 to the writ petition)) as per option made by the petitioners dated 11.02.2020 which was made on the dictate of Government's Letter No. 1188/XXIV-C-1/2019-01(13)/2014 dated 23.01.2020 (Annexure No. 6 to the writ petition).

iv. Issue a writ, order or direction in the nature of mandamus directing the respondents to not disturb the peaceful functioning of the petitioners as per their post in the campus of Sri Dev Suman University at Pandit Lalit Mohan Sharma, Govt. P.G. College, Rishikesh, Dehradun and maintain the status quo of the petitioners as on today working in the campus of Sri Dev Suman University at Pandit Lalit Mohan Sharma, Govt. P.G. College, Rishikesh, Dehradun in the tune of employees of Dr. Soban Singh Jeena University, Almora and option dated 11.02.2020 made by the petitioners."

3. Facts of the case, on which, there is no dispute are that the State Legislature enacted 'Pandit Deendayal Upadhyay Uttarakhand University Act, 2011' (Act No.22 of 2011). As per provisions of the said Act, State Government established a University, in the year 2011, known as Deen Dayal Upadhyaya University at Badshahithaul, Tehri-Garhwal. Subsequently in the year 2012, the said University was re-named as 'Sri Dev Suman University' vide notification dated 19.10.2012. Thereafter vide Government Order dated 06.08.2019 Pandit Lalit Mohan Sharma, Government P.G. College, Rishikesh approval for handing over under administrative control of the University was given and later the said college was declared to be campus college of the University. Teaching and non-teaching employees, serving in Pandit Lalit Mohan Sharma, Government P.G. College, Rishikesh, who are Government Employees, made representations through Principal of the College to the Vice-Chancellor and also the State Government, for their absorption in services of the University.

4. On the other hand, teaching and non-teaching employees serving in other Government Degree/P.G. Colleges maintained by Higher Education Department also submitted representations to the State Government for absorption of their services in the University and they insisted that option for joining University services should be open to all teaching and non-teaching employees of Higher Education Department of the State Government.

5. Ultimately, State Government intervened by providing that all – teaching and non-teaching employees, serving in Government Degree and P.G. Colleges will have a right to exercise their option and thereafter options were invited from all employees serving in various Government Colleges. When all employees serving in Government Degree/P.G. Colleges submitted options, then State Government granted necessary approval for transfer of services of Government Teachers in services of the University. Petitioners are the teachers, who were serving in

Pandit Lalit Mohan Sharma Government P.G. College, Rishikesh at the time when it was declared campus college and their contention is that they alone are entitled to be absorbed in the campus college of the University and options should not have been invited from Government teachers, serving in other Colleges.

6. It is contended by learned counsel for the petitioners that State Government has no authority to pass an order in respect of government Teachers after the aforesaid college became a campus college, therefore the approval granted by the State Government for their absorption in University service, is void-ab-initio.

7. The grievance raised by the petitioners is without any substance. Since petitioners belong to the cadre of Government Teachers, therefore, they do not have any right better than Government Teachers serving elsewhere in the State. Petitioners' claim for absorption in the University service does not improve merely because they were posted in a particular College, which later became a campus college of the University. Teachers serving in Government Colleges form one homogeneous class, therefore, they cannot be discriminated against, based only on their place of posting.

8. The State Government was thus justified in inviting options from all Government Teachers of the State. Therefore, the grievance raised by the petitioners against inviting options from other teachers is unfounded.

9. From perusal of the record, it is revealed that the State Government applied the criteria of seniority-cum-merit for absorbing teachers in the University services. The said criteria was uniformly applied to all. There is no allegation of any nepotism or foul play in the matter of selection for absorption in University Service.

10. As regards the submission that State Government lacks competence to issue the order of approval, we find force in the submission made by learned State counsel that since State Government was the employer in respect of all teachers serving in Government Colleges, therefore, State Government was well within its right to grant approval for absorption of Government teachers, who were selected for absorption in the service of the University. Thus the order passed by the State Government cannot be faulted, as without its approval, its employees could not have been absorbed in University Service.

11. Even otherwise also, no prejudice is caused to the petitioners as they are still serving as teachers in different government colleges, their conditions of service have remain unchanged, therefore, we are of considered opinion that the petitioners have no locus standi to challenge the order passed by the State Government.

12. Accordingly, all the writ petitions fail and the same are hereby dismissed.

13. No order as to costs.