
(2023) 12 UK CK 0191

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 2354 Of 2023

Ashok Kumar Dungrakoti And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 29-12-2023

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2023) 12 UK CK 0191

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Vinay Kumar, Sudha Tamta, Rajeev Singh Bisht

Final Decision : Dismissed

Judgement

Pankaj Purohit, J

1. By means of this writ petitioner, the petitioners have challenged Clause 3 of the impugned decision dated 19.12.2023 taken by the Committee headed by Director General, School Education, Dehradun, Uttarakhand (Annexure no.8), whereby a contrary decision to the policy dated 23.07.2021 (Annexure no.2) has been taken.

2. It is the contention of the learned counsel for the petitioners that pursuant to the aforesaid policy decision, petitioners participated in the selection process for posting in Atal Utkrishta Govt. Inter Colleges. It is admitted to the petitioners that they are already posted as Assistant Teacher, L.T. Grade in the Atal Utkrishta Govt. Intermediate College in different places. The petitioners are aggrieved by the impugned clause of the minutes of meeting, whereby it has been provided that the persons who have already been working with the Atal Utkrishta Govt. Inter Colleges may participate in the counselling, but they will remain in the same colleges and they shall not be posted in other colleges according to their merits.

3. The main submission of learned counsel for the petitioners is that once the

petitioners have been given opportunity to participate in the selection process of posting of "Assistant Teacher/Lecturer" in the Atal Utkrishta Govt. Inter Colleges, they cannot be denied posting as per their merit, but the respondent fell in error of law and fact by directing them to remain in the same college.

4. The impugned clause appears to be reasonable, simply for the reason that the petitioners are already working with Atal Utkrishta Govt. Inter Colleges on the post of Assistant Teacher, it would be a futile exercise, if they will be given posting to another college on the said post.

5. In this view of the matter, this Court does not find any material illegality and arbitrariness in the order dated 19.12.2023 to interfere in the writ petition under the discretionary jurisdiction of Article 226 of the Constitution of India. Accordingly, the writ petition is dismissed in-limine.