
(2024) 06 UK CK 0126

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 3058 Of 2018

Janak Devi Tiwari

APPELLANT

Vs

Vice-Chancellor GB Pant University And Others

RESPONDENT

Date of Decision : 24-06-2024

Acts Referred:

Constitution Of India, 1950 — Article 12

Citation : (2024) 06 UK CK 0126

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : S.S. Yadav, Shubhang Dobhal, Soniya Chawla

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. Petitioner seeks to issue a writ of mandamus directing respondent nos.2 to 4 to complete the proceedings of petitioner like that of case of respondent nos.6 and 7.

2. Petitioner was engaged as a daily wager on 01.07.1994 and he kept on working as such till 2002 but in the year 2003, petitioner was forced to work under a contractor. It is the case of petitioner that respondent nos.6 and 7 have been permitted to continue as a daily wager but only petitioner was made to work under a contractor. The application made by petitioner on 27.09.2016 seeking regularization did not find favour with the respondents. Hence this petition.

3. Petitioners submits that the communications made by petitioner, annexed with petition, are sufficient to show that he was engaged as a daily wager in the university and worked there for a substantial period.

4. However, learned counsel for respondent – University submits that petitioner was engaged through contractor and there was no direct relationship of master

and servant in this matter.

5. Be that as it may, since petitioner has rendered continuous and satisfactory service for more than three decades in the University, which is a 'State' within meaning of the term under Article 12 of the Constitution, the writ petition is disposed of. This writ petition is directed to be treated as representation made by petitioner. The Competent Authority in the University is directed to constitute a Selection Committee in terms of the Rules applicable for regularization of University employees. The Committee, so constituted, shall examine the representation and pass appropriate orders, as per law, within three months from the date of its constitution. The Selection Committee shall bear in mind the law declared by Division Bench of this Court in Special Appeal No.300 of 2018 "Ganga Datt Sharma Vs. G.B. Pant University of Agriculture and Technology, Pantnagar & others", decided on 21.08.2018, which was subsequently affirmed by Hon'ble Supreme Court in SLP No.266 of 2020.