
(2012) 09 UK CK 0032

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1994 of 2012

Munna Singh

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 19-09-2012

Acts Referred:

Citation : (2012) 09 UK CK 0032

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Geeta Luthra, assisted by Mr. Manoj Gorkela, Mr. Vivek Vibhushan, Mr. Harish Malik and Mr. Bal Krishan, for the Appellant; Paresh Tripathi, Additional Chief Standing Counsel for the State of Uttarakhand, for the Respondent

Judgement

Hon'ble Sudhanshu Dhulia, J.—Heard Ms. Geeta Luthra, Senior Advocate assisted by Mr. Manoj Gorkela, Mr. Vivek Vibhushan, Mr. Harish Malik and Mr. Bal Krishan, Advocates for the petitioners and Mr. Paresh Tripathi, Additional Chief Standing Counsel for the State of Uttarakhand. The petitioners before this Court have challenged the Government Orders dated 5.9.2012 (Annexure Nos. 12 and 13 to the writ petitions) by which on the one hand Government has directed Ex-Cadre promotions to be made for the Scheduled Castes and Scheduled Tribes candidates and at the same time has directed that in case of general category candidates the regular DPC may go on. There are other orders passed on the same day as well which relate to promotion in government service in the State of Uttarakhand. The petitioners belong to Scheduled Castes and Scheduled Tribes communities.

2. One of the primary objections of Mr. Paresh Tripathi, Additional Chief Standing Counsel appearing for the State is that these writ petitions have been filed in individual capacity and the petitioners in both the cases are teachers in government school, and if at all they are aggrieved they are aggrieved with the promotions being made in the Education Department, but the entire pleadings in the writ petition are to challenge the entire promotions being made in the

general category candidate as well as reserved category candidate. This cannot be permitted as the petitioners cannot claim the relief which they have sought in the writ petitions.

3. Be that as it may, respondents shall be filing counter affidavit within three weeks, in which they may raise objections including the one raised above presently.

4. List this matter on 18.10.2012 in the daily cause list along with Writ Petition (M/S) No. 1946 of 2012. Meanwhile, the promotions may go on but it is made clear that each of such promotions shall be subject to the final determination of the writ petitions. It is also made clear that since the government has passed at least 4 Government Orders on 5.9.2012, it is hoped and expected that the Government while making these promotions shall take into account such Government Orders particularly No. 904/XXX (2)/2012-55 (47)/2004-TC dated 5.9.2012, in its true letter and spirit.