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**(2018) 08 UK CK 0030**

**In the Uttarakhand High Court**

**Case No : Writ Petition (S/S) No. 2165 of 2017**

Smt. Sarita Varma

APPELLANT

Vs

hakrata Cantt District Dehradun & others

RESPONDENT

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**Date of Decision : 06-08-2018**

**Acts Referred:**

**Citation : (2018) 08 UK CK 0030**

**Hon'ble Judges : SHARAD KUMAR SHARMA, J**

**Bench : Single Bench**

**Advocate : B.N. Molakhi, B.S. Adhikari, ?Moni Pant**

**Final Decision : Disposed Of**

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## **Judgement**

SHARAD KUMAR SHARMA, J. (ORAL)

1. The petitioner is a contractual employee, who contends that, she was granted appointment as Assistant Teacher, on contract basis, on conclusion of

the recruitment process, which was resorted to on the basis of the advertisement dated 09.04.2011. Her case is that, she responded to the

advertisement dated 09.04.2011 and participated in the written examination, thereafter, interview, ultimately a letter of appointment though on

contractual basis was issued in her favour and the contract was executed on 01.08.2011. It is the case of the petitioner that, after the execution of the

contract in 2011-2012, the same continued to be extended from time to time till 14.07.2017, whereafter the services of the petitioner were not

continued and was terminated.

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2. It is the case of the respondents that, the arrangement of the contractual appointment was directed to be discontinued on the basis of the

Board's decision dated 24.04.2017, whereby, it was decided by Board that the recruitment on the post of Assistant Teacher will be done through

an outsourcing agency and a decision to the said effect was taken by the Director General Defence Estates, Government of India, on 10.10.2016.

Questioning the order of termination dated 14.06.2017, the instant writ petition was filed.

3. This Court while entertaining the writ petition directed the respondents to file their counter affidavits, but the same has not been filed yet.

4. Heard learned counsel for the parties.

5. Learned counsel for respondent no.1, has placed before this Court an order dated 08.08.2017, which is a communication given to him by the Chief

Executive Officer, Chakrata Cantt, informing thereof, that the petitioner has been appointed afresh through an outsourcing agency as an Assistant

Teacher w.e.f. 01.08.2017 and thus as a matter of fact, she is working as of now with the Cantonment Board. The said communication dated

08.08.2017 is taken on record and in view of the fact that now the petitioner is already working though having appointed through outsourcing agency,

this writ petition is closed, in the light of the communication given by learned counsel for respondent no.1. However, the closure of this writ petition

will not preclude the petitioner to file a fresh writ petition for the same cause of action, if she is not permitted to continue in pursuance of the

communication dated 08.08.2017.

6. Subject to the above observations, the writ petition stands disposed of.

7. However, there would be no order as to cost.