

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			WPSS No.995 of 2016 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> Mr. Niranjan Bhatt, Advocate for the petitioner. Mr. Puran Singh Bisht, Additional C.S.C. for the State of Uttarakhand. Mr. Rajendra Arya, Advocate, holding brief of Mr. Neeraj Garg, Advocate for respondent no.4. 2. Petitioner was engaged through UPNL as Peon in Government Post Graduate College Brahmakhal, Block Dunda, District Uttarkashi, vide order dated 24.02.2016. His engagement, however, was terminated by subsequent order passed on 29.02.2016. Thus, feeling aggrieved, petitioner has filed this writ petition, challenging the order dated 29.02.2016. 3. Perusal of the impugned order reveals that petitioner's engagement was terminated only on the ground that preference in the matter of appointment is to be given to dependents of persons, who have donated land for establishment of College. Reference is made to a communication issued by UPNL, on 27.02.2016. The said letter is annexed as Annexure No.CA-1 to the counter affidavit filed by In-Charge Director, Directorate of Higher Education, Government of Uttarakhand. Perusal of the said letter reveals that the Principal of Government P.G. College, Uttarkashi was informed by representative of UPNL

		that, as per communication issued by District Magistrate on 19.01.2016, all the posts, for which names were invited from UPNL, are to be appointed from amongst dependents of persons, who have gifted land for establishing the College. 4. This Court, vide order dated 27.12.2023, had required presence of Director, Higher Education alongwith copy of Government Order dated 19.01.2016, which was referred in Annexure No.CA1 to the counter affidavit filed on behalf of In-Charge Director, Directorate of Higher Education, Government of Uttarakhand. 5. Pursuant to said order, Dr. C.D. Suntha, Director, Higher Education, is present in Court today. He submits that there is no such Government Order as 19.01.2016 and, in fact, the District Magistrate, Uttarkashi had issued a communication to Secretary, Higher Education, on 19.01.2016, which provided for preference to donors of land. The Director, Higher Education further submits that there is no Government Policy for granting preference to persons, who donated land for establishment of College. 6. Since the sole ground for terminating services of the petitioner was that the post in question is to be filled by dependents of donors, who donated land for establishment of College; while, as per the statement of Director, Higher Education, there is no such Government Policy, therefore, the termination of engagement of petitioner vide order dated 29.02.2016, cannot be
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			sustained in the eyes of law. 7. Accordingly, the writ petition is allowed and the impugned order dated 29.02.2016 is quashed. The Director, Higher Education is directed to re-engage the petitioner in Government P.G. College, Uttarkashi or any other Government College, within District Uttarkashi, through outsourcing. However, it is made clear that petitioner shall not be entitled to any back wages for the period, he remained out of employment. (Manoj Kumar Tiwari, A.C.J.) 28.12.2023 <i>Arpan</i>
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