

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI

AND

HON'BLE SRI JUSTICE RAKESH THAPLIYAL

WRIT PETITION (S/B) NO. 232 OF 2023

09TH JUNE, 2023

BETWEEN:

Pradeep Mall

.....Petitioner.

And

Government of India & others

....Respondents.

Counsel for the Petitioner	:	Mr. P.S. Rawat and Mr. M.C. Upadhyay, learned counsels.
Counsel for the Union of India	:	Mr. Saurav Adhikari, learned Standing Counsel.
Counsel for the State	:	Mr. S.S. Chaudhary, learned Brief Holder.
Counsel for the Respondent Nos.3 & 4 :		Dr. Kartikey Hari Gupta and Mr. Rafat Munir Ali, learned counsels.
Counsel for the Respondent No.5	:	Ms. Anjali Bhargava, learned counsel.

The Court made the following:

JUDGMENT:(per Hon'ble The Chief Justice Sri Vipin Sanghi)

Issue notice. Learned counsels appear and accept notice on behalf of the respondents.

2. We have heard learned counsels and proceed to dispose of this writ petition.

3. The petitioner has preferred this petition to seek a direction to the respondents to invite fresh advertisement for the post of Senior System Analyst, as per New Cadre Recruitment Rules issued by the University Grants Commission (*for short 'UGC'*) on 26.09.2022. The petitioner also seeks a direction to the respondent no.3 to keep one

post of Senior System Analyst vacant to be filled up by promotion. The petitioner also seeks a writ of certiorari to quash the advertisement dated 04.10.2022, by which, it is claimed, that the respondent-University has ignored the new Cadre Recruitment Rules of the UGC.

4. The case of the petitioner is that he is serving in the Hemwati Nandan Bahuguna Garhwal University in the department of Information Communications Technology in Computer Centre. He was appointed on 05.08.1991 as Technical Assistant, and thereafter, promoted as Senior Technical Assistant. Since 28.07.2020, the petitioner has been serving on the post of Programmer, upon his further promotion. The petitioner claims that the next promotional post in the Computer Department Wings is that of the Senior Technical Assistant. He claims that the respondent-University has framed the CRRs' in the year 2019. However, the UGC has circulated the model CRR rules in respect of non-teaching and other academic posts in the year 2022, which have not been adopted by the respondent- University. It is his claim that if the said model CRR rules are adopted, he would be eligible for consideration for promotion to the post of Senior System Analyst.

5. Dr. Gupta, who appears for the respondent-University, has pointed out that under the CRRs framed by the respondent- University in the year 2019, which have

received the approval of the Visitor, as well as the UGC, the post of Senior System Analyst is required to be filled up by direct recruitment, failing which, by deputation. He further points out that even under the model CRR rules circulated by the UGC in the year 2022, the said post is required to be filled up by direct recruitment, failing which, by deputation. Therefore, appointment on the said post, in any event, can be made either under the CRRs framed by the respondent-University in the year 2019, or under the model CRR rules circulated by the UGC in the year 2022.

6. Aforesaid being the position, we find no merit in the grievance raised by the petitioner. The petitioner cannot claim right to be considered for promotion to the post of Senior System Analyst, as the said post even under the model CRR rules is required to be filled up by direct recruitment, failing upon, by deputation, and not by promotion.

7. For the aforesaid reasons, we find no merit in this writ petition and the same is hereby dismissed.

8. Pending application, if any, also stands disposed of.

(VIPIN SANGHI, C.J.)

(RAKESH THAPLIYAL, J.)

Dated: 09th June, 2023

NISHANT