

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

HON'BLE SRI JUSTICE RAKESH THAPLIYAL

WRIT PETITION (M/S) NO. 3405 OF 2023

19TH DECEMBER, 2023

Committee of Management Petitioner.

Versus

State of Uttarakhand & others Respondents.

With

WRIT PETITION (M/S) NO. 2839 OF 2023

Committee of Management Petitioner.

Versus

State of Uttarakhand & others Respondents.

With

WRIT PETITION (M/S) NO. 3412 OF 2023

Committee of Management National Kanya Inter College
.....Petitioner.

Versus

State of Uttarakhand & others Respondents.

WRIT PETITION (M/S) NO. 3416 OF 2023

Committee of Management Arya Inter College & another
.....Petitioners.

Versus

State of Uttarakhand & others Respondents.

Counsel for the Petitioner(s) : Mr. Parikshit Saini and Mr. Alok Mahra, learned counsel.

Counsel for the Respondents : Mr. S.N. Babulkar, learned Advocate General assisted by Mr. Jagdish Singh Bisht, learned Standing Counsel.

The Court made the following:

COMMON JUDGMENT:(per Hon'ble Sri Rakesh Thapliyal)

By order dated 08.12.2023, the State Counsel was directed to get instructions in the matter as to on what basis and reasons, again and again, the Institutions are not being permitted to fill-up the vacant posts. Thereafter, on 13.12.2023, the Secretary, School Education, was directed to remain present in the Court on 14.12.2023, through *video conferencing*. On 14.12.2023, Major Yogendra Yadav, Additional Secretary, and Mr. Pankaj Kumar Pandey, the In-charge Secretary, appeared through *video conferencing*, and both assisted the Court, but this Court was not convinced with the submissions made by Major Yogendra Yadav, Additional Secretary, and that was the reason that on 14.12.2023, Mr. Pankaj Kumar Pandey, In-charge Secretary was requested to assist the Court on the next date fixed.

2. Today, Mr. Pankaj Kumar Pandey, In-charge Secretary appears through *video conferencing*, and assists this Court. He submits that, now necessary directions have been issued to the Director General, School Education, and the Director General, School Education, in turn, issued the necessary instructions to the concerned Chief Education Officer of all the districts to proceed with the recruitment process.

3. Since the In-charge Secretary has given the statement before this Court that now necessary directions have been issued to the Director General, School Education, who, in turn, issued the necessary instructions to all the concerned Chief Education Officer of all the districts, in such view of the matter, the order passed by the Chief Education Officer dated 29.11.2023, has no meaning.

4. Mr. Babulkar, learned Advocate General submits that now, since the In-charge Secretary has given the statement that necessary directions have been issued to the Director General, School Education, who also issued the necessary instructions to all the concerned Chief Education Officer of all the districts to proceed with the recruitment process, therefore, there is no useful purpose to continue the order dated 29.11.2023, passed by the Chief Education Officer.

5. In view of this, Writ Petition Nos. (M/S) 3405 of 2023, (M/S) 3412 of 2023 and (M/S) 3416 of 2023 are disposed of, and the order passed by the Chief Education Officer, dated 29.11.2023, is quashed in view of the statement, as given by the In-charge Secretary.

6. It is made clear that the recruitment process, if any, as directed to be initiated on the basis of the statement,

as given by the In-charge Secretary, shall be subject to the final outcome of Writ Petition (M/S) No.2839 of 2023.

Writ Petition (M/S) No.2839 of 2023

7. The respondents may file the counter-affidavit within six weeks.
8. Two weeks' time, thereafter, is granted to learned counsel for the petitioner to file the rejoinder-affidavit.
9. List this case after eight weeks.
10. Interim order dated 10.10.2023 is extended till the next date of listing.

(RAKESH THAPLIYAL, J.)

Dated: 19th December, 2023

NISHANT