IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE THE ACTING CHIEF JUSTICE SRI MANOJ KUMAR TIWARI
AND
HON'BLE SRI JUSTICE VIVEK BHARTI SHARMA

WRIT PETITION (S/B) NO. 195 OF 2021

19TH NOVEMBER, 2024

Ankit Krishnatri ..... Petitioner

Versus

University Grants Commission & another ..... Respondents

WITH

WRIT PETITION (S/B) NO. 196 OF 2021

Vijay Pratap Singh ..... Petitioner

Versus

University Grants Commission & another ..... Respondents

WITH

WRIT PETITION (S/B) NO. 197 OF 2021

Pankaj Dutt Kaushik ..... Petitioner

Versus

University Grants Commission & another ..... Respondents

WITH

WRIT PETITION (S/B) NO. 202 OF 2021

Rajesh Kumar Pandey ..... Petitioner

Versus

University Grants Commission & another ..... Respondents

WITH

WRIT PETITION (S/B) NO. 451 OF 2021

Pankaj Dutt Kaushik & others ..... Petitioners

Versus

University Grants Commission & another ..... Respondents

Counsel for the petitioners	:	Ms. Priyanka Agrawal, learned counsel
Counsel for the respondents	:	Ms. Anjali Bhargava, learned counsel for respondent No. 1
	:	Mr. Lochan Sah, learned counsel holding brief of Mr. Aditya Singh, learned counsel for respondent No.2

The Court made the following:

JUDGMENT: (per Hon'ble The Acting Chief Justice Sri Manoj Kumar Tiwari)

Petitioners in the aforementioned writ petitions were appointed on contract to different teaching / non-

teaching positions in Gurukula Kangri Vishwavidyalaya (Deemed to be University), Haridwar.

2) Since common questions of law and facts are involved in all these writ petitions, therefore, they are being heard and decided together. However, for the sake of brevity facts of Writ Petition (S/B) No. 195 of 2021, alone has been considered and discussed.

3) Petitioner Ankit Krishnatri has filed WPSB No. 195 of 2021, seeking the following reliefs :

> *"(i) To issue a writ, order or direction in the nature of mandamus directing respondent No. 2 to grant the minimum of pay scale on the post of Assistant from the date of his initial appointment, and*
>
> *(ii) To issue a writ, order or direction in nature of mandamus directing respondent no. 2 to consider the case of the petitioner for regularization of his service on the post of Assistant."*

4) Ms. Anjali Bhargava, learned counsel appearing for University Grants Commission makes a statement at the Bar that all the petitioners, including Ankit Krishnatri, is being paid minimum of pay scale, therefore, she submits that prayer made in relief clause no. (i) do not survive any longer.

5) Ms. Bhargava further submits that there is no provision for regularization of teaching / non-teaching employees. She further submits that the post against which petitioner was given contractual appointment was advertised in the year 2021, however, petitioner has not challenged the said advertisement in the writ petition. She also submitted that petitioner has not indicated the provision under which he is claiming regularization. She submits that regularization can be claimed only under a scheme or a statutory provision, and in the absence of any scheme / statutory provision, the prayer for regularization to the petitioner cannot be granted.

6) We find substance in the submissions made by learned counsel for the University Grants Commission. In the absence of any scheme / statutory provision, direction for regularizing the services of petitioner cannot be issued.

7) Ms. Priyanka Agrawal, learned counsel for the petitioner, refers to an order passed by a co-ordinate bench in Special Appeal No. 561 of 2017, and she submits that in the said case, this Court directed the State Government to formulate a scheme for regularization of such employees, who have served on contract or daily wage basis for ten years, or more.

8) When a pointed query was put to her, as to whether University Grants Commission was also party to the said Special Appeal, her answer was in the negative. Thus reliance by learned counsel for the petitioners on the order passed in Special Appeal No. 561 of 2017 is of no avail to the petitioner. Since there is no statutory provision, as of now, for regularization of contractual employees engaged by Gurukula Kangri Vishwavidyalaya against teaching / non-teaching positions, therefore, the prayer as made in relief clause no. (ii) cannot be granted. Thus, there is no scope of interference in these writ petitions.

9) All the writ petitions, accordingly, fail and are dismissed. No orders as to cost.

MANOJ KUMAR TIWARI, A.C.J.

VIVEK BHARTI SHARMA, J.

Dt: 19TH NOVEMBER, 2024
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HIMANSHU NEGI

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