



SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	24.12.2024		WPSB No. 211 of 2023 With WPSB No. 210 of 2023 WPSB No. 212 of 2023 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> <u>Hon'ble Pankaj Purohit, J.</u> 1. Mr. M.C. Pant, learned counsel for petitioners in all these Writ Petitions. 2. Mr. Bhupesh Kandpal, learned counsel for respondent nos. 1 & 2. 3. Mr. Ramji Srivastava, learned counsel for respondent no. 3. 4. Petitioners were appointed as Associate Professors in Uttarakhand Ayurved University, on contract, in different years. After their appointment, petitioners are continuously serving as such. Since their claim for regularization was not being considered, therefore, they approached this Court by filing these Writ Petitions. 5. Since common questions of law and facts are involved in these Writ Petitions, therefore, they are being heard and decided together. However, for the sake of brevity, facts of Writ Petition (S/B) No. 211/2023 alone are being considered and discussed. 6. By means of this Writ Petition, petitioner has sought the following reliefs : <i>"1. To issue writ rule or direction in the nature of Mandamus to direct the respondents to declare the appointment of the petitioner on the post of Associate Professor as Substantive, Regular and permanent and declare the term used as contractual as nominal and misnomer for all service benefits including pay, and ACP benefit along with all arrears of the Service and further to direct the Respondents to treat the Petitioner eligible for promotion on the post of Professor under the relevant service rules as well as eligible for Career Advancement</i>



			<i>Scheme, keeping in the view the facts highlighted in the body of the petition or in alternate, mould relief appropriately to provide justice to the petitioner.</i> <i>II. Issue a Writ, rule, order or direction in the nature of mandamus to direct the respondents to pay equal pay regular and at the same rate of pay sand pay scaler which are admissible to regular teachers of the state government along with arrears or to mould the relief appropriately to safeguard the interest of the petitioners, keeping in view the facts highlighted in the body of the petition."</i> 7. From perusal of the record, it is revealed that petitioner in Writ Petition (S/B) No. 211/2023 was appointed as Associate Professor, vide order dated 20.02.2015. It is not in dispute that she possesses all conditions of eligibility for appointment, and further that she is serving continuously, ever since her appointment. 8. Learned counsel for petitioner submits that petitioner is not being paid the same amount, as salary, as is being paid to regular Associate Professors serving in the University. He refers to letter dated 24.05.2022, issued by Registrar of the University to the Secretary, Ayush & Ayush Education Department, Government of Uttarakhand, whereby approval was sought to pay salary, as per the scales prescribed by National Commission for Indian System of Medicine. 9. Mr. Bhupesh Kandpal, learned counsel appearing for Uttarakhand Ayurved University fairly submits that, since petitioner has served for sufficiently long period of time, without any break whatsoever, therefore, her claim for regularization shall be considered as per the applicable Rules. 10. We, accordingly, dispose of these Writ Petitions, by directing the Competent Authority in the University to consider the claim of petitioners for regularization
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against sanctioned vacant posts, as per applicable Rules. We hope and expect that this exercise shall be completed by the University within four months from the date of production of certified copy of this order.

11. Pending application(s), if any, also stand disposed of.

(Pankaj Purohit, J.)
24.12.2024

(Manoj Kumar Tiwari, A.C.J.)
24.12.2024

Rahul

Digitally signed by RAHUL PRAJAPATI
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