



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. 412 of 2024 With WPSB No. 413 of 2024 WPSB No. 414 of 2024 WPSB No. 415 of 2024 WPSB No. 416 of 2024 WPSB No. 417 of 2024 WPSB No. 419 of 2024 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> <u>Hon'ble Pankaj Purohit, J.</u> 1. Ms. Sakshi Singh, learned counsel holding brief of Mr. Shobhit Saharia, learned counsel for petitioners in all these Writ Petitions. 2. Mr. S.S. Chaudhary, learned Brief Holder for State of Uttarakhand/ respondent nos. 1 & 2. 3. Mr. Mehul Joshi, learned counsel holding brief of Mr. Bhuwan Bhatt, learned counsel for respondent nos. 3 & 4. 4. Petitioners in these Writ Petitions were appointed as Assistant Professor, against sanctioned vacant posts in M.P.G. College, Nagar Palika Parishad, Mussoorie, in the year 2023. Since salary is not being paid to them so far, therefore, they have approached this Court, seeking a direction to the State of Uttarakhand to release the funds for payment of salary. 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. 412/2024 alone are being considered and discussed. 6. Petitioner in Writ Petition (S/B) No. 412/2024 responded to an advertisement issued by the Management Committee of the aforesaid College on



12.07.2023, and on the recommendation of the Selection Committee, an order of appointment was issued to her on 01.12.2023. According to petitioner, her appointment was approved by the Vice Chancellor of Hemvati Nandan Bahuguna Garhwal Central University on 30.11.2023, yet she is not being paid any salary. Reliance has been placed by petitioner upon Section 4(f) of Central Universities Act, 2009, which reads as under :

"Effect of Establishment of Universities 4. On and from the date of commencement of this Act:-
(a) ...
(b) ...
(c) ...
(d) ...
(e) ...
(f) *All Colleges, Institutions, Schools or Faculties and Departments affiliated to, or admitted to the privileges of, or maintained by, Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya and Hemvati Nandan Bahuguna Garhwal University shall stand affiliated to, or admitted to the privileges of, or maintained by, Guru Ghasidas Vishwavidyalaya, Doctor Harisingh Gour Vishwavidyalaya and Hemvati Nandan Bahuguna Garhwal University, respectively, established under this Act."*

7. Learned State Counsel, however, submits that Section 4(f) of the aforesaid Act is in the nature of a saving clause, which protects the privileges, which the colleges affiliated to State University, would be entitled to, even after conversion of a State University to a Central University. He submits that Section 4(f) of the aforesaid Act does not help the case of petitioner. He further submits that, as per the provisions of the Uttar Pradesh State Universities Act, 1973, the Vice Chancellor of the State University is the competent authority to



		grant approval, which has not been granted in the case of petitioner. 8. Learned counsel for petitioner, however, relies upon the judgment passed by a Coordinate Bench of this Court in the case of <i>Ravindra Jugran v. Union of India & others, Writ Petition (PIL) No. 155/2020</i> dated 16.11.2021, and submitted that in view of the judgment passed in the said Public Interest Litigation, petitioners are entitled to salary from the State Government. 9. Without going into the merits of the claim staked by petitioners in these Writ Petitions, we think that ends of justice would be met, if these Writ Petitions are disposed of, with liberty to petitioners to approach Secretary, Higher Education by making a representation. 10. Accordingly, these Writ Petitions are disposed of, with liberty to petitioners to approach the Secretary, Higher Education by making a representation. 11. If petitioners make a representation to the Secretary, Higher Education, along with all relevant documents, the concerned Secretary shall examine the matter, and take decision as per law, within ten weeks from the date of presentation of such representation, along with certified copy of this order. 12. Pending application(s), if any, also stand disposed of. (Pankaj Purohit, J.) 24.12.2024 Rahul (Manoj Kumar Tiwari, A.C.J.) 24.12.2024
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