



2025:UHC:2869-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

**HON'BLE JUSTICE SRI MANOJ KUMAR TIWARI AND
HON'BLE JUSTICE SRI ASHISH NAITHANI**

Writ Petition (S/B) No. 66 of 2017

Dr. Surendra Pal Singh and another

-Petitioners

Versus

Chancellor and others

--Respondents

Presence:-

No representation for the petitioners

Mr. Ganga Singh Negi, Additional CSC for the State

The Court made the following:

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

1. Petitioners applied for the post of Assistant Professor pursuant to an advertisement issued by Uttarakhand Ayurved University on 21.12.2014, followed by corrigendum dated 24.12.2014 and 30.05.2015. The selection process for appointment of faculty position in Uttarakhand Ayurved University, however, was stayed by the Chief Secretary, Government of Uttarakhand vide G.O. dated 31.01.2017. Petitioners have challenged the said G.O. in this writ petition.

2. It is contended that the selection to a faculty position in a University could not have been interfered with by the State Government, especially when there was no allegation of any irregularity or malpractice.

3. The counter affidavit filed by Mr. Rajendra Singh Nagnyal, Joint Secretary, Government of Uttarakhand makes the following statement:

"3(I) That few more things are being mentioned here to be taken on record. University has requested to create post as



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per MSR of CCIM; State Cabinet approved post creation. State government has given permission to advertize vacant/created posts urgently on 31-12-2016. University has written a letter to State Government and Chancellor to nominate their nominee in selection committees as per rule 36 Uttarakhand Ayurved University Regulations 2015. Apart from this university has not taken any other action. Office of the respondent no.1 informed answering respondent that a letter has been sent to CCIM to defer their visit by 06 months vide letter dated 30.01.2017 is being annexed herewith and marked as Annexure no. 4 to this Counter Affidavit. A letter has been in the same matter sent by Secretary, AYUSH, Govt. of Uttarakhand and Vice Chancellor of Uttarakhand Ayurved University is being annexed herewith and marked as Annexure no. 5 to this Counter Affidavit. But no communication in this regard from AYUSH Ministry, Government of India or CCIM has been received so far. The fate of more than 900 students is at stake. Office of the respondent no. 1 has sent a direction to Chief Election Officer, Uttarakhand to put-up this issue before Election Commission of India and also passed a direction to AYUSH department to proceed with a fresh selection process after 15th March, 2017. The Hon'ble Court is requested to pass the order keeping in mind the future of studying students of Uttarakhand Ayurved University."

4. The counter affidavit filed by Mr. Mirtunjay Kumar Mishra, Registrar, Uttarakhand Ayurved University makes the following statements:-

"3(u) That thereafter the University under the compelling circumstances, has issued the impugned corrigendum dated 31.01.2017 whereby entire selection process has been stayed till further order.

v) That it is submitted here that the officers of CCIM are going to visit the campus colleges of the University to inspect the minimum standard as defined under the relevant regulation of CCIM for granting the permission to run the medical and paramedical courses in the Ayurveda stream in the month of February therefore to meet out the Minimum Standard/requirement of CCIM regulation to grant the permission for running the courses, the University has to make regular appointment for teaching staff as well as clinical staff but due to interference of the State Government and respondent no.1, the University is unable to make appointment for 3 years.

w) That it is submitted that the University has three campus colleges namely Main campus Harrawala Dehradun, Rishikul Ayurvedic Campus Medical College and Gurukul Ayurvedic Medical Campus College. All the campus colleges are suffering from lack of teaching staff as well as Clinical staff but after lengthy work out, the University is



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unable to make the appointment due to direct interference of the respondent no.1 as well as the State Government.

x) That as the University has its own identification as it has been granted autonomy to take decision in its own way, to work in the welfare of the University, to issue administrative orders for running and maintaining the colleges and to protect the courses and institution related to Ayurveda but due to direct interference with the affairs of the University, the University is unable to achieve its goal to uplift the education relating to Ayurveda, research work in the field of Ayurved so that the State may be known as Ayush Pardesh as a State Symbol.

y) That the respondent no.1 is directly interfering with the affairs of the University whereas in the Act 2009, no such power has been conferred to the respondent no.1 even then, the respondent no.1 is issuing direction as an executive body of the University. Since the respondent no.1 holds a constitutional post therefore the University has no option except to comply with the direction issued for.”

5. Having regard to the aforesaid stand taken by the Statement Government and also the University, this Court thinks that ends of justice would be met if the Chief Secretary, Government of Uttarakhand is directed to reconsider the matter as per law.

6. Accordingly, the writ petition is disposed of with direction to the Chief Secretary, Government of Uttarakhand to revisit the issue in light of the stand taken by State Government and the Uttarakhand Ayurved University in their counter affidavits, in accordance with law, within six weeks from date of presentation of a certified copy of this order.

MANOJ KUMAR TIWARI, J.

ASHISH NAITHANI, J.

Dt: 22nd April, 2025
Mahinder