



2025:UHC:11418

SL. No.	Date	Office Notes, reports, orders or proceedings or directions or Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPSS/ 1106/ 2022</u> with <u>WPSS/ 1217/ 2022</u> <u>WPSS/ 1243/ 2022</u> <u>WPSS/ 1554/ 2022</u> <u>WPSS/ 2209/ 2022</u> <u>WPSS/ 2210/ 2022</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Arvind Vashistha, Senior Advocate, assisted by Mr. Vivek Pathak, Mr. H.S. Mahra, Mr. Akshit Gururani & Ms. Swati Verma, Advocates for the petitioner. 2. Mr. Ganesh Dutt Kandpal, Deputy Advocate General for the State of Uttarakhand. 3. Mr. Yashpal Singh, Advocate, holding brief of Mr. Neeraj Garg, Advocate for the UPNL. 4. Since common questions of fact and law are involved in these petitions, therefore, they are clubbed together and are being heard & decided by a common judgment. However, for the sake of brevity, facts of Writ Petition (S/S) No. 1106 of 2022 alone are being considered and discussed. 5. Petitioners possessed diploma in Civil Engineering from recognised institutions. They were appointed as Technical Superintendent, now re-designated as Block Level Project Engineer under <i>Sarva Shiksha Abhiyan</i>, which is now re-named as <i>Samagra Shiksha Abhiyan</i>. The said scheme is introduced by the Central Government



		for universalization of education. 6. According to the petitioners, under the scheme one Junior Engineer/ Technical Assistant has to be appointed in each block to look after the construction activities in schools and as per the mandate of the Central Government, petitioners were appointed in different blocks to look after the construction work, however, the State Government has unilaterally changed the condition of <i>Samagra Shiksha Abhiyan</i> and in place of one Technical Assistant in each development block, State has provided that there shall be only one Technical Assistant at the district level. This according to the petitioners, amounts to undue interference by the State in the scheme of the Central Government, especially when the funds are provided by the Central Government, for manning the position of Technical Assistant. It is further contended that having regard to the huge workload, one Technical Assistant cannot look after the construction work undergoing in a district. Various other issues are raised by the petitioners in these writ petitions. 7. Learned State Counsel submits that under the scheme, State is empowered to make necessary changes to suit the local needs. He submits that the impugned Government Order dated 28.10.2020 is as per the authority given by the Central Government and it cannot be termed as undue interference with the scheme of Central Government. 8. The issues raised by the petitioners in these writ petitions cannot be gone into by this Court while exercising power of judicial review. How many Technical
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			Assistants would be needed to look after the work of civil construction in Government schools has to be determined by the Central and the State Government, having regard to the work load involved. 9. Without expressing any opinion on the merits of the rival contentions raised by learned counsel for the parties, this Court thinks that ends of justice would be met if petitioners are permitted to approach the competent authority, by making representation(s). 10. The writ petitions are disposed of with liberty to petitioners to make representation(s) to the State Project Director, <i>Samagra Shiksha Abhiyan</i> within two weeks from today. Representation(s), if made within stipulated time, shall be dealt with by passing a reasoned order, as per law, within six months thereafter. For a period of seven months or till decision is taken on the representation, whichever is later, petitioners shall be permitted to serve as Technical Assistant, as before. (Manoj Kumar Tiwari, J.) 19.12.2025 Navin
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