



2025:UHC:9071-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. G. NARENDAR
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

13TH OCTOBER, 2025

SPECIAL APPEAL NO. 235 OF 2025(1)

Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus

Anju Khanduri and another ..Respondents

SPECIAL APPEAL NO. 236 OF 2025(2)

Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus

Manohar and others ..Respondents

SPECIAL APPEAL NO. 240 OF 2025(3)

Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus

Jitendra Singh and another. ..Respondents

SPECIAL APPEAL NO. 241 OF 2025(4)

Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus

Bhagat Singh ..Respondent

SPECIAL APPEAL NO. 242 OF 2025(5)

Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus

Sanjay Kumar and others. ..Respondents

SPECIAL APPEAL NO. 243 OF 2025(6)

Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus

Chandra Prakash Gaur ..Respondent

SPECIAL APPEAL NO. 244 OF 2025(7)

Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus

Deepak Kumar ..Respondent

SPECIAL APPEAL NO. 245 OF 2025(8)

Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus

Hukum Singh ..Respondent

SPECIAL APPEAL NO. 246 OF 2025(9)

Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus

Neelam Negi ..Respondent

SPECIAL APPEAL NO. 247 OF 2025(10)

Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus

Pratap Singh and another ..Respondents

SPECIAL APPEAL NO. 248 OF 2025(11)

Hemvati Nandan Bahuguna Garhwal University ...Appellant



Versus
Dhoom Singh Negi ...Respondent
SPECIAL APPEAL NO. 249 OF 2025(12)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Rajendra Singh Rawat and others ..Respondents
SPECIAL APPEAL NO. 250 OF 2025(13)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Vijay Laxmi ..Respondent
SPECIAL APPEAL NO. 251 OF 2025(14)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Kundan Singh and others ..Respondents
SPECIAL APPEAL NO. 252 OF 2025(15)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Devendra Singh and others. ..Respondents
SPECIAL APPEAL NO. 253 OF 2025(16)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Ram Chander and others ..Respondents
SPECIAL APPEAL NO. 254 OF 2025(17)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Ravindra Singh ..Respondent
SPECIAL APPEAL NO. 255 OF 2025(18)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Pramod Kumar and others ..Respondents
SPECIAL APPEAL NO. 256 OF 2025(19)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Sudesh Kumar ..Respondent
SPECIAL APPEAL NO. 257 OF 2025(20)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Munish Kumar ..Respondent
SPECIAL APPEAL NO. 258 OF 2025(21)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Beeru Lal and others ..Respondents
SPECIAL APPEAL NO. 259 OF 2025(22)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Jaidev Singh ..Respondent
SPECIAL APPEAL NO. 260 OF 2025(23)
Hemvati Nandan Bahuguna Garhwal University ...Appellant



Versus
Nagendra Singh Kalura ..Respondent
SPECIAL APPEAL NO. 267 OF 2025(24)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Suresh Kumar ..Respondent
SPECIAL APPEAL NO. 268 OF 2025(25)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Sandhya Rani and others ..Respondents
SPECIAL APPEAL NO. 269 OF 2025(26)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Mamta Devi ..Respondent
SPECIAL APPEAL NO. 270 OF 2025(27)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Kuldeep Bhatt ..Respondent
SPECIAL APPEAL NO. 272 OF 2025(28)
Hemvati Nandan Bahuguna Garhwal University ...Appellants
Versus
Seeta Ram and others ..Respondents
SPECIAL APPEAL NO. 273 OF 2025(29)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Ashok Kumar ..Respondent
SPECIAL APPEAL NO. 274 OF 2025(30)
Hemvati Nandan Bahuguna Garhwal University ...Appellants
Versus
Anil Kumar ..Respondent
SPECIAL APPEAL NO. 275 OF 2025(31)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Dilwar Singh Negi and others. ..Respondents
SPECIAL APPEAL NO. 277 OF 2025(32)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Vijay Singh ..Respondent
SPECIAL APPEAL NO. 278 OF 2025(33)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Vijay Kumar and others ..Respondents
SPECIAL APPEAL NO. 279 OF 2025(34)
Hemvati Nandan Bahuguna Garhwal University ...Appellant
Versus
Tara Devi ..Respondent
SPECIAL APPEAL NO. 280 OF 2025(35)
Hemvati Nandan Bahuguna Garhwal University ...Appellant



Versus
 Manik Lal and others ..Respondents
SPECIAL APPEAL NO. 281 OF 2025(36)
 Hemvati Nandan Bahuguna Garhwal University ...Appellant
 Versus
 Ramu Singh ..Respondent
 &
SPECIAL APPEAL NO. 282 OF 2025(37)
 Hemvati Nandan Bahuguna Garhwal University ...Appellant
 Versus
 Manoj Singh Rawat ..Respondent

Counsel for the appellant	:	Dr. Kartikey Hari Gupta, Mr. Rafat Munir Ali and Ms. Irum Zeba, learned counsel.
Counsel for the respondents	:	Mr. Vinod Nautiyal, Mr. M.C. Pant, Mr. Ashutosh Posti, Mr. Sandeep Kothari, Mr. C.K. Sharma, Ms. Neelam Godiyal, Mr. Shivanand Bhatt, Mr. G.D. Joshi, Mr. Shubhang Dobhal, learned counsel for private respondents. Ms. Anjali Bhargawa, learned counsel for UGC.

JUDGMENT :(per Mr. G. Narendar, C.J.)

Heard learned counsel for the appellant-University and learned counsel for the respondents.

2. The appellant-University is before this Court being aggrieved by the order passed by the learned Single Judge, whereby the learned Single Judge has been pleased to allow the writ petitions praying for regularization of their employment in Hemwati Nandan Bahuguna Garhwal University (Central), Srinagar Garhwal (hereinafter referred to as the 'University') by following the order dated 20.03.2018 passed by the Coordinate Bench in WPSS No. 425 of 2014 '*Kumesh Kumar and others vs. H.N.B. Garhwal University, Central University, Srinagar and others*'. The



learned Single Judge has been pleased to hold in Paragraph-5 as under:-

“5. Learned counsel for the respondent(s)/the University would admits that the similar controversy had already been decided by this Court in WPSS No.425 of 2014, Kumesh Kumar and others Vs. H.N. B. Garhwal University, Central University, Srinagar and others; and in WPSS No.44 of 2024, Ramkishan Pandey and others vs. Hemwati Nandan Bahuguna Central University and another. He would submit that the cases of the petitioners shall be considered for regularization on the respective posts, which are still vacant.”

3. On the previous date, we had called the counsel for the appellant-University to place material, which formed the basis for the concession by the learned counsel.

4. Today, the learned counsel for the appellant-employer has placed before the Court the Minutes of meetings of the Committee constituted by the University for regularization of daily-wage earners into regular appointments. The Minutes of the Meeting dated 24.04.2025 and the list, annexed to the Minutes of the Meeting containing the names of 148 persons and the vacancies in Group-C, etc. are placed before the Court.

5. It is the case of the appellant that the order of the learned Single Judge was forwarded to the Ministry as the University is under the control of the Union Government being the Central University, and the Ministry has taken



offense to the concession made before this Court and has questioned the rationale.

6. We have perused the Minutes and we find that there is absolutely no discussion of the individual cases, much less even bare merits of each case.

7. The right to regularization (which undisputedly is a back-door entry) is not a vested right. Apparently, courts have been liberal in directing regularisation based on facts, particulars and merits of each claim.

8. In the instant case, there is no discussion about the merits or the de-merits of the claims of each of the petitioners. The concession by the Committee, in our considered opinion, does not reflect application of mind, nor is there any foundational facts, which would otherwise enable any prudent individual to concur with the recommendations. Apparently, the counsel representing the appellant, in the light of the report of the Committee, has been large hearted enough to convey the decision of his client to this Hon'ble Court and, on the basis of which, the order of the learned Single Judge came to be passed.

9. There can be no dispute, nor can we venture to find any error in the order, but we are constrained to interfere on the short ground that an omnibus order, in



respect of and in the name of regularization would not stand the test of law. It is indisputable and it is trite law that the claim of regularization is dependent on the merit of the claim, like eligibility of the candidate appointed to a post, whether the appointment was against a vacant post, and if not, whether the appointment is against a non-sanctioned post, but the nature of work has become an integral part of the administrative / management process etc., and so on.

10. In that view, we have suggested to the parties as to whether the exercise can be re-done in the light of the above discussions, to which learned counsels on both sides have readily consented. The consent of the learned counsels is placed on record.

11. The instant Special Appeals are disposed of by modifying the order of the learned Single Judge. The petitioners / the private respondents shall submit individual representations detailing therein:-

- (1) their date of birth;
- (2) their qualifications;
- (3) the date of their entering into service;
- (4) the post held by them;



- (a) whether the post is a sanctioned post,
- (b) whether the appointment is against a vacant post.

That apart, in respect of appointment against non sanctioned post, the appellant-employer shall apply its mind and conclude as to whether the post held by the individual is or has become an integral part of the administrative / management process. In the event, the posts, or the duties and responsibilities attached to the posts, are *ad hoc* in nature and not permanent in nature, the appellant-employer shall conclude as to whether the petitioner / employee has worked for a sufficiently long period of time. If that be so, the appellant-employer shall consider creating supernumerary posts till such of those petitioners / employees demit office. The appellant-employer shall look into the law laid down by the Hon'ble Apex Court in *Dharam Singh and others vs. State of U.P. and another* reported in 2025 SCC OnLine SC 1735 while carrying out the above exercise.

12. It is made clear that if any of the similarly situated persons have been regularized, the regularization shall be revisited in the above terms, and the seniority shall be



assigned after the completion of the present exercise.

13. We deem it necessary to order so as it would otherwise lead to multiple rounds of litigations again with regard to seniority, qualifying service, promotions etc.

14. The above exercise shall be completed within a period of six months from the date of the petitioners submitting their individual representations.

15. Pending application, if any, also stands disposed of accordingly.

16. The original record be returned to the counsel representing the appellant-University.

G. NARENDAR, C.J.

SUBHASH UPADHYAY, J.

Dt: 13th October, 2025

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PRAVINDRA
SINGH
RATHOUR