



2025:UHC:9899-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Special Appeal No.345 of 2025

11 November, 2025

Mustakeem Ali & Others

-----Appellants

Versus

State of Uttarakhand and Others

-----Respondents

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Presence:-**

Mr. T.A. Khan, learned Senior Counsel assisted by Mr. Mohd. Shafy, learned counsel for the appellants.

Mr. P.C. Bisht, learned Additional C.S.C. for the State.

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

Heard Mr. T.A. Khan, learned Senior Counsel for the appellants and Mr. P.C. Bisht, learned Additional Chief Standing Counsel for the State of Uttarakhand.

2. The appellants are the petitioners and are aggrieved by the order dated 26.09.2025 passed by the learned Single Judge. The appellants had sought for the following reliefs in the writ petition before the learned Single Judge:-

“(i) Issue a writ, order or direction in the nature of mandamus commanding the respondents to reinstate the petitioners on their respective post of Assistant Teacher (Urdu) with continuity of service and with all consequential benefits.



Or

(ii) In case, the Hon'ble Court comes to the conclusion that the petitioners may not be granted the aforesaid relief, in those circumstance, the respondents be directed to publish an advertisement for the recruitment of Assistant Teacher (Urdu) in Primary School in the District of Dehradun and Pithoragarh, giving the relaxation of the upper age limit to the petitioners and they may also be directed to consider the qualification of the petitioners as B.Ed. in place of D.El.Ed.

(iii) In case the Hon'ble Court does not please to grant either of the aforesaid relief, the Hon'ble Court may kindly be pleased to direct the respondents to pay an amount of Rs.5 crore to each of the petitioners as compensation."

3. The first prayer relates to prayer seeking reinstatement. Admittedly, as on the date of entry into service, the appellants-writ petitioners did not possess the necessary qualification making them eligible to enter and hold the post of Assistant Teacher. Subsequent acquisition of the qualification would not in any manner validate the illegality in the appointment. In that view, the first prayer, in our considered opinion, is unsustainable.

4. The second prayer seeking a direction to the Competent Authority to issue advertisement and invite applications to the existing vacancies is yet again not a direction that can emanate from this Court. The further prayer that the B.Ed. degrees held by the appellant-writ



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petitioners be treated as D.El.Ed degrees is also impermissible. Equivalence of degrees is the exclusive domain of the State.

5. The third prayer seeking payment of compensation of ₹ 5 Crore is wholly unfounded and baseless. Hence, the said prayer also requires to be rejected.

6. Insofar as the prayer no.2 we direct that the writ petition be treated as a representation by the first respondent and the same be considered and disposed of strictly in accordance with law within an outer limit of six weeks from the date of receipt of a copy of this order.

7. Special Appeal stands ordered, accordingly.

8. There shall be no order as to costs.

(G. NARENDAR, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 11.11.2025

R/SS