



2025:UHC:10536-DB

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. 381 of 2025

25th November, 2025

Saukar Singh Rawat

-----Appellant

Versus

Director, Secondary Education and others

-----Respondents

With

Special Appeal No. 382 of 2025

25th November, 2025

Saukar Singh Rawat

-----Appellant

Versus

State of Uttarakhand and others

-----Respondents

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Presence:-**

Mr. Sandeep Kothari, learned counsel for the appellant/petitioner.
Mr. B.S.Parihar and Mr. S.S.Chaudhary, Standing Counsels for the
State of Uttarakhand.

Mr. Vijay Bhatt, learned counsel for the respondent no.5.

JUDGMENT : (per Mr. Subhash Upadhyay, J.)

As both the Special Appeals involve similar
question of facts and law hence, the same are being
decided by the common Judgment.



2. These *intra court* appeals filed by the appellants assail the order dated 04.11.2025, passed by learned Single Judge in Writ Petition No. 442 (S/S) of 2025, Saukar Singh Rawat vs. State of Uttarakhand and others and Writ Petition No. 786(S/S) of 2025, Rajesh Dangwal vs. State of Uttarakhand and others. The appellant in Writ Petition No. 442 (S/S) of 2025 challenged the seniority list of Lecturers dated 15.01.2025, in which, the appellant was shown junior to the respondent no. 5-Rajesh Dangwal. The appellant further prayed that the post of Principal be filled up by promotion as the appellant is senior-most candidate and being qualified is liable to be promoted as a Principal. By an interim order dated 04.11.2025 passed in Writ Petition No. 442 (S/S) of 2025 the learned Single Judge issued the following directions:

“Heard on Stay Application No. 1 of 2025 The petitioner is Lecturer, Economics in Sri Saraswati Mandir Inter College, Meghadhar, District Tehri Garhwal (“the school”).

It is a case of the petitioner that he and the respondent no.5, both are Lecturers in the school. Both were working as PTA since, 02.10.1993. They both were appointed on adhoc basis on 01.07.2009 and regularized w.e.f. 17.01.2015. But the petitioner is senior in age, therefore, he should have been shown senior in the seniority list and in the eventuality of handing over charge of the school Principal, he should be given preference over the respondent no.5. But it is argued that the seniority list has



2025:UHC:10536-DB

been changed merely on the ground that the respondent no.5 makes his signature above the petitioner in the attendance register. It is argued that this is no ground to determine seniority.

The petitioner seeks interim relief that the charge of the Principal of the school should be given to him as the senior most Lecturer in the school.

The factual narrations have not been denied by learned State counsel. Under instruction, he would submit that the petitioner on the date of his regularization as well as on the date of his adhoc appointment was not B.Ed. qualified.

Fact remains that the petitioner and the respondent no.5 both have joined together. They both were appointed on adhoc basis together on the same and they both were regularized on the same date.

Having considered, as an interim measure, this Court directs the respondents to consider handing over charge of the school Principal to the senior most Lecturer, who is senior as per the Rules and Regulations.

Stay application stands disposed of accordingly.”

3. In pursuance to the aforesaid directions, the Chief Education Officer, Pauri Garhwal passed an order dated 16.04.2025 directing the Committee of Management to handover the charge of Officiating Principal to the appellant. The respondent no. 5 was a party in Writ Petition No. 442(S/S) of 2025. He however challenged the said order dated 16.04.2025 in Writ Petition No. 786(S/S) of 2025. Both the Writ Petitions were clubbed together and were decided vide order dated 04.11.2025, against which, the present



Special Appeals have been filed.

4. Para 4, 5 & 6 of the order dated 04.11.2025, by which, both the writ petitions were disposed of, reads as under:

“(4) Learned State Counsel points out that determination of seniority made by the Committee of Management is appealable before the Regional Additional Director of Education. He submits that if Soukar Singh Rawat has any grievance against determination of seniority, as made by Committee of Management, then he should have approached the appellate authority.

(5) This Court finds substance in the said submission. Since Rajesh Prasad Dangwal has been placed on top of seniority list, therefore, Soukar Singh Rawat cannot hold charge of officiating Principal any more. However, having regard to the facts and circumstances of the case, writ petitions are disposed of with liberty to Soukar Singh Rawat to file appeal before the appropriate authority in the department. If he files appeal within ten days from today, decision thereupon shall be taken within four weeks thereafter. Only for a period of three weeks, status quo as regards charge of officiating Principal of the concerned institution shall be maintained.

(6) It goes without saying that all persons likely to be affected by the decision to be taken on appeal of Soukar Singh Rawat shall also be heard by the appellate authority.”

5. Learned counsel for the appellant submits that the observations made by the learned Single Judge in para 5 of the order would adversely affect the claim



of the appellant in the Departmental Appeal which is to be filed before the Regional Additional Director Secondary Education, Garhwal Mandal. He further submits that though 10 days time was granted to the appellant to file the Departmental Appeal and the decision was to be taken within four weeks' thereafter, but, the *status quo* order is to be continued till three weeks only, as such, he prays that the appellant may be given a liberty to file the Appeal before the Departmental Authority within 10 days from the date of the decision in the Special Appeals and the authority may be directed to take an independent decision without being influenced by the observations made in the impugned order and till the decision is taken by the authority, the appellant may be directed to continue as Officiating Principal.

6. Learned counsel for the State and the private respondent submit that the appellant has a remedy to challenge the seniority list before the Regional Additional Director, Secondary Education, Garhwal Mandal, as such, the appellant was rightly relegated to the Departmental Authority.



7. Having heard the learned counsel for the parties, we do not find any error in the direction issued by the learned Single Judge of relegating the appellant to avail a remedy against the seniority list before the Departmental Authority, however, we find force in the contention of the Appellant that observations made in para 5 of the order may prejudice his case before the departmental authority. We accordingly modify the order dated 04.11.2025 to the effect that the Departmental Authority shall consider the Appeal preferred by the appellant against the seniority list independently; after affording opportunity of hearing to the affected parties; without being influenced by the observations made in the impugned order.

8. The appellant is given a liberty to file an Appeal before the Regional Additional Director, Secondary Education, Garhwal Mandal, Pauri, against the determination of his seniority within a period of 10 days. If the appellant prefer appeal within a period of 10 days from today, the Regional Additional Director, Secondary Education, Garhwal Mandal, Pauri shall take a decision in the said Appeal independently in accordance with law within a period of six weeks



2025:UHC:10536-DB

thereafter.

9. Till the disposal of the appeal by the Departmental Authority, the appellant shall be allowed to continue as Officiating Principal of the institute.

10. With these observations, both the Special Appeals stand disposed of.

No order as to costs.

(G.NARENDAR, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 25.11.2025
Kaushal