



2025:UHC:11329

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPSS 2157/ 2025 <u>Hon'ble Manoj Kumar Tiwari, J.</u> Ms. Neetu Singh, Advocate, for the petitioner. Mr. Narayan Datt, Standing Counsel, for the State. Mr. Yogesh Kumar Pacholia, Advocate, for the respondent no. 3. (2) According to petitioner, he was appointed as PTA Teacher against a sanctioned vacant post of Assistant Teacher, LT Grade (Hindi) in a government aided institution, namely, Inter College, Quarali, District Bageshwar w.e.f. 5.7.2008. Petitioner's claim for ad hoc status and regularisation has been rejected by the Chief Education Officer, Bageshwar vide order dated 14.7.2025 on the ground that at the time of petitioner's appointment, there was no vacancy available on a sanctioned post and he was appointed without there being a vacancy. (3) Learned State Counsel as well as learned Counsel appearing for Principal of the concerned college submit that services of the petitioner were terminated w.e.f. 19.5.2012 and thereafter he never served in the institution. (4) Perusal of the record reveals that petitioner earlier filed WPSS No. 1292 of 2012 challenging the termination order passed on 19.5.2012. The said writ petition was dismissed with a direction to the authorities to notify the existing vacancies on the post of Assistant Teacher to the District Education Officer and the education authorities were directed to hold regular selection against such vacancies. However, in appeal, the said judgment was set aside and it was provided that petitioner shall be entitled to benefit of provisions contained in Section 40 and 41 of Uttarakhand School Education Act, 2006, provided he is appointed as



		PTA Teacher against a sanctioned vacant post before the cut-off date fixed by the State Government and further that he is being paid remuneration as ad hoc teacher from public exchequer. (5) Claim of the petitioner for benefit of Section 40 and 41 of Uttarakhand School Education Act was considered and rejected by the Chief Education Officer, Bageshwar vide order dated 14.7.2025 on the ground that there was no vacancy available on the date when petitioner was appointed as PTA Teacher. For challenging the decision taken by the Chief Education Officer and in support of his contention that he was appointed on 5.7.2008 against a sanctioned post, which had fallen vacant on account of retirement of one Mr. Janardan Kandpal, who was serving as Assistant Teacher, Sanskrit, petitioner relies upon a document enclosed as Annexure-1 to the writ petition. (6) As per the own showing of the petitioner, he was appointed as Assistant Teacher, Hindi. Thus the stand taken by District Education Officer in the impugned order cannot be said to be incorrect, as petitioner claims to have been appointed against a post different from one held by Janardan Kandpal. It is also a fact that petitioner was never paid honorarium from public exchequer and whatever remuneration was paid to him by the Management was from its own sources. Since petitioner's case is not covered by Section 40 and 41 of Uttarakhand School Education Act, therefore, he is not entitled to any benefit of the observation made by Division Bench of this Court in Special Appeal No. 336 of 2016. Thus there is no scope for interference. Writ petition fails and is dismissed. (Manoj Kumar Tiwari, J.) 18.12.2025 Pr
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