



2026:UHC:657

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 218 of 2026

28 January, 2026

Ajay Kishor Bahuguna -----Petitioner

Versus

Honble High Court of Uttarakhand Nainital
and another

-----Respondents

Presence:-

Mr. Pradeep Kumar Chauhan, learned counsel for the petitioner
through V.C.

Mr. Gajendra Triapthi and Mr.S.K.Nailwal, learned Standing
Counsels for the State.

Hon'ble Subhash Upadhyay, J. (oral)

The Court at the initial stage of hearing had passed an order whereby notices were issued to Respondent no.1, however, learned counsel for the petitioner prayed for interim relief, when the Court declined to grant the interim relief then the counsel for the petitioner submits that the writ petition may be decided finally. Thus, the writ petition is being heard and decided at the admission stage itself.

2. The petitioner has filed the present writ petition with the following prayers:

“(i) Issue a writ order or direction in the nature of certiorari quashing the office order no. 20874/UHC-service section-1, dated 01.12.2025, and Office memorandum no. 277/UHC-Service Section-1, dated 7th January, 2026, and a Letter dated 07 January, 2025 issued by District Magistrate,



2026:UHC:657

*Garhwal digitally signed on 07.01.2026
(Annexure no.2 to the writ petition)."*

3. Learned counsel for the petitioner had earlier filed a Writ Petition No. 439 (S/B) of 2025, which was decided on 14.10.2025. Para 10 to 13 of the order dated 14.10.2025 reads as under:

“10. The instant Writ Petition, despite the directions of the Hon’ble Apex Court, setting aside the order of removal, and directing the reinstatement of the fourth respondent, and granting liberty to the University/ employer to continue with the enquiry, if any, the present Writ Petition is clearly an act of overreach. There being a clear direction from the Hon’ble Apex Court, reserving liberty only to the University/ employer to carry forward the process, the instant Writ Petition is clearly vitiated by mala fides, and appears to be an attempt to create a supervening circumstance, and nullify the interim relief granted by a Coordinate Bench.

11. This Bench had clearly indicated to the petitioner’s counsel that the petition lacks bona fides, and it was also pointed out to the petitioner’s counsel that this Court would not be sitting in appeal over the judgment of the Hon’ble Apex Court. In fact after a few minutes of hearing it was also clearly indicated to the petitioner’s counsel that cost would be imposed, and that the cost would be an exemplary cost, and in fact certain figures were also mentioned to the petitioner’s counsel. Despite the same, the petitioner’s counsel continued with representation and demanded that the submissions be considered.

12. Petitioner’s counsel would place reliance on Annexure No. 10 dated 26.06.2019, Annexure No. 11 dated 11.07.2019, Annexure No. 13 dated 02.12.2019, Annexure No. 14 dated 20.09.2021, Annexure No. 15 – the inquiry report dated 18.11.2021 and Annexure No. 16 dated 11.12.2021. We have recorded the dates for a particular purpose. All these dates are prior to the date of



the judgment of the Hon'ble Apex Court i.e. 16.04.2024. The issues have been canvassed before the Hon'ble Apex Court, which is demonstrated by a reading of the paragraphs culled out hereinabove. Despite the same being pointed out, the counsel for the petitioner insisted that the matter be heard and despite this Bench expressing that it is not inclined to sit in appeal over the judgment of the Hon'ble Apex Court, the petitioner's counsel continued with the submissions and, in the course of the submissions, it was also submitted that a Review Petition of the order dated 16.04.2024 of the Hon'ble Apex Court has also been filed. If that be so, then the instant Writ Petition is a clear case of abuse of the process of Court.

13. In that view of the matter, the Writ Petition is dismissed with exemplary cost, with cost quantified at Rupees Five Lakhs. The cost shall be deposited into the account of the Uttarakhand State Legal Services Authority within six weeks, failing which the Registrar General shall initiate appropriate proceedings to recover the costs.

As a sequel thereto, the miscellaneous petitions, if any pending, shall stand closed."

4. In pursuance to the order passed by the Court, the petitioner was required to deposit the cost of Rs. 5 lakhs before the Uttarakhand Legal Services Authority within six weeks from the date of the order, failing which the Registrar General had to initiate appropriate proceedings to recover the cost. Learned counsel for the petitioner submits that a Review Application was filed by the petitioner on 24.11.2025 and as there were certain defects in the Review Application, as such, time was sought to remove the defects and the time was granted to cure the defects on 25.11.2025, 31.12.2025 and the defects were to be cured up to 09.03.2026. He further submits that the respondent no. 1 without putting the



petitioner to any Show Cause Notice and also without resorting to file any execution proceedings and ignoring the fact that the Review Application was pending has passed the impugned order and in pursuance thereof the office of the District Magistrate on 07.01.2026 directed the Tehsildar Srinagar to recover the amount from the petitioner. Learned counsel for the petitioner submits that he had sought time from the Tehsildar for depositing the amount vide letter dated 09.01.2026. He refers to the said representation dated 09.01.2026 (Annexure-4 to the writ petition) and contends that the petitioner had sought one month's time for depositing the said amount and no decision was taken on the said representation.

5. *Per contra*, learned counsel for the State submits that the petitioner was well aware of the fact that the cost was to be deposited within six weeks of the passing of the order, failing which, the appropriate proceedings to recover the cost was to be initiated and thus, the impugned order is justified and in accordance with law. Learned counsel for the State further submits that the petitioner instead of seeking extension of time from the Court, had filed a Review Application and his contention that the Tehsildar was required to extend the time by one month cannot be accepted as the Court is the only competent authority to extend the time.

6. Heard learned counsel for the parties and perused the record.

7. The order dated 14.10.2025 clearly reveals that the petitioner was required to deposit the cost within six weeks, as such, the petitioner was well aware of the fact that the said cost is to be deposited within six weeks and



2026:UHC:657

in default of that, the Registrar General had to initiate the appropriate proceedings for recovery of the said cost. The petitioner instead of putting any challenge to the said order dated 14.10.2025 or filing any time extension application chose to prefer a Review Application which was reported to have defects and the petitioner sought time to remove the said defects on 25.11.2025 and 31.12.2025, however the said defects have only been removed on 27.01.2026. Thus, the petitioner had deliberately not removed the defects and under the garb of pendency of the Review Application chose to avoid the compliance of the order passed by the Court.

8. Mere pendency of the Review Application would not *ipso facto* mean that the order passed by the Court need not to be complied with. The order passed by the respondents were towards the compliance of the order passed by the Court and no malice can be attributed to the said action of the respondents. The contention of the petitioner that the Tehsildar was requested to permit the petitioner to deposit the amount within one month is bereft of any merit as the said authority had no jurisdiction to extend the time as sought by the petitioner.

9. In view of the above discussion the Court is of the view that the writ petition lacks merits. Accordingly, the writ petition is dismissed.

(SUBHASH UPADHYAY, J.)

Dated: 28.01.2026
Kaushal