



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY
Writ Petition (S/B) No.206 of 2026
May 18, 2026

Vinay Pant -----Petitioner

Versus

State of Uttarakhand & Others -----Respondents

Presence:-

Mr. Shobhit Saharia, learned counsel for the petitioner
Mr. B.S. Parihar, learned Additional C.S.C. with Mr. Yogesh Tiwari, learned Standing Counsel for the State
Mr. Pankaj Chaturvedi, learned counsel for respondent nos.3 and 4 / Uttarakhand Jal Sansthan

JUDGMENT: (per Mr. Manoj Kumar Gupta C. J.)

1. Heard learned counsel for the parties.
2. The present writ petition has been filed assailing a communication dated 27.02.2026 whereby the Secretary, Administration working in the Office of the Chief General Manager, Uttarakhand Jal Sansthan, informed the Executive Engineer, Uttarakhand Jal Sansthan, Champawat that he has been directed to state that the petitioner who had been working as Assistant Engineer on a contractual basis pursuant to sponsorship by UPNL possesses Diploma in Mechanical Engineering and B. Tech in Biochemcial Engineering, which are different from the qualification prescribed for the post of Assistant Engineer, though valid



for the post of Junior Engineer, therefore, he be reverted to the post of Junior Engineer. The petitioner has also assailed the consequential order of Executive Engineer dated 10.03.2026 issued to the petitioner communicating to him the order dated 27.02.2026.

3. The petitioner, as noted above, possesses Diploma in Mechanical Engineering and B. Tech in Biochemcial Engineering. His candidature was sponsored by UPNL for contractual employment with the Irrigation Department. The contractual employment was being renewed on yearly basis. Under the service rules, the prescribed qualification is Engineering Degree in Civil, Electrical, Mechanical or Computer Science or equivalent thereto, which the petitioner does not possess.

4. It seems that the said fact came to the knowledge of the department recently and since the contract of the petitioner was expiring on 31.03.2026, therefore the impugned directions/orders were issued, so that future renewal would be against the post of Junior Engineer, for which the petitioner possesses the requisite qualification, and not against the post of Assistant Engineer.

5. The petitioner does not dispute that his employment was on contractual basis and he had not



undergone through any process of selection. The respondents, therefore, having noticed that the petitioner does not possess the qualification for the post of Assistant Engineer, issued the impugned order, the effect of which is that in future, if the contract is renewed, it would be against the post of Junior Engineer.

6. Learned counsel for the petitioner submits that the petitioner has worked for several years as Assistant Engineer and therefore while considering his case for regularization on the post of Junior Engineer, his experience as Assistant Engineer be considered. In this regard, a supplementary affidavit has been filed by the petitioner stating as follows:-

“3. That the petitioner hereby submits that when his candidature for regularization under the Regularisation Rules, 2013 (as amended) is considered, his claim would be against the post of Junior Engineer, in light of the admission made by the respondent department to the effect that the petitioner admittedly and undisputedly possess qualifications and eligibility for appointment to the post of Junior Engineer and that his length of service on the post of Assistant Engineer, on which he has been continuously working in the department without any break, be taken into consideration for determining the qualifying period of service under the Regularisation Rules.”

7. Since the petitioner has worked in the Department for considerable period, in our opinion, the experience gained by him while working as Assistant



Engineer should be taken into account while considering his case for regularization on the post of Junior Engineer.

8. The petitioner has filed another supplementary affidavit and along with it he has annexed an order dated 28.04.2026 by which the department has renewed the contract of engagement of five other Assistant Engineers.

9. On the basis of the same, it is contended that the department is making discrimination against the petitioner in not renewing his contract as Assistant Engineer and compelling him to work as Junior Engineer.

10. Learned State Counsel submits that the aforesaid five persons possess the requisite qualification and therefore their contract has been renewed on the post of Assistant Engineer, which fact has not been disputed by learned counsel for the petitioner. As such, the aforesaid five persons cannot be equated with the petitioner. The second contention, thus, has no force.

11. Accordingly, we decline to interfere with the impugned orders but at the same time provide that as and when the case of the petitioner is considered for regularization on the post of Junior Engineer, the service rendered by him as Assistant Engineer, be taken into account.



2026:UHC:3795-DB

12. Subject to the above, writ petition is disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 18.05.2026

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