



HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA
AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

15^h May, 2026

Special Appeal No. 110 of 2026

Satish Kumar Sharma

-----Appellant

Versus

State of Uttarakhand and others

-----Respondents

Presence:-

Mr. Rituparna Joshi and Ms. Poonam Rauthan, learned counsel for the appellant.

Mr. Gajendra Tripathi and Mr. S.M.S.Mehta, learned Standing Counsels for the State.

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

1. The appeal is reported to be beyond time by 97 days. The cause shown for delay in filing the appeal is found to be satisfactory. There is also no opposition to the delay condonation application by learned State counsel. Delay Condonation Application is allowed. Delay is condoned.

2. The present *intra court* appeal is directed against the order of learned Single Judge dated 08.12.2025 in Writ Petition (S/S) No. 2134 of 2025, whereby the writ petition filed by the appellant challenging the order dated 09.11.2017, passed by Director, Secondary Education, Dehradun, Uttarakhand



(non-appellant no.2) for paying him salary for the post of Librarian while he was in service, has been rejected.

3. The appellant held the post of Clerk in B.S.M. Inter College, Roorkee, District Haridwar since 01.11.1970. He filed WPSS No. 2271 of 2001, claiming salary admissible for the post of Librarian on the ground that though he held the post of Clerk, he was assigned duties of Librarian and he had worked as Librarian. The said writ petition was disposed of vide order dated 28.02.2006 directing the respondents to decide the appellant's representation. The representation made by the appellant in pursuance of the order passed in the said writ petition was rejected *vide* order dated 28.02.2006, which was challenged by the appellant in Writ Petition (S/S) No. 874 of 2006. The said writ petition was allowed and direction was issued to pay salary and allowances to the appellant as admissible for the post of Librarian.

4. The judgment of learned Single Judge was challenged in Special Appeal No. 69 No. 2009, but it was also dismissed. Subsequently, vide order dated 04.07.2013, the Review Application filed in Special



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Appeal was allowed and the order passed by learned Single Judge in Writ Petition (S/S) No. 874 of 2006 was set aside. However, appellant was given liberty to make a fresh representation. The appellant's representation so made came to be rejected vide order dated 09.11.2017. The said order was challenged by the appellant in the writ petition, which has now been dismissed vide order dated 08.12.2025. The learned Single Judge has held that the post of Librarians were sanctioned only in Degree/Post Graduate Colleges and not in any Government/Government Aided Inter Colleges and consequently, even if the appellant had worked as Librarian, he was not entitled to the salary for the post of Librarian. It was also held by learned Single Judge that the writ petition challenging the order dated 09.11.2017 came to be filed after 7 years and, therefore, on the said ground also, the challenge was repelled.

5. Learned counsel for the appellant submits that the appellant had worked as Librarian, therefore he was entitled for salary as Librarian, however, he does not dispute that there was no sanctioned post of Librarian in the College. He also does not dispute that



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the order of rejection of the representation dated 09.11.2017 was challenged after eight years.

6. As the post, for which, salary is being claimed was not available in the institution and, therefore, we find no merit in the claim of the appellant. The learned Single Judge has rightly dismissed the writ petition.

7. Accordingly, the Appeal is dismissed.

8. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 15.05.2026
Kaushal