



2026:UHC:2937-DB

**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.220 of 2026**

**April 22, 2026**

Mamta Joshi Lohumi

----Petitioner

**Versus**

State of Uttarakhand & Anr.

----Respondents

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**Presence:-**

Mr. Bhagwat Mehra, learned counsel for the petitioner

Mr. J.C. Pandey, learned Standing Counsel for the State of Uttarakhand/respondent no.1

Mr. S.S. Lingwal, learned counsel for the Kumaon University/respondent no.2

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

1. Heard learned counsel for the parties.
2. The following prayers have made in the writ petition:-

*“(i) To issue a writ, order or direction in the nature of mandamus declaring the action of the respondents in the matter, in not regularizing the services of the petitioner despite serving on contract basis for a period of about 16 years, after due selection, as arbitrary and illegal.*

*(ii) To issue a writ, order or direction in the nature of certiorari to call for the record and for quashing the impugned Notification/Advertisement dated 13.04.2026 issued by Respondent no.2 (Annexure No.1 to this writ petition) in so far as*



*it relates to 01 post of Assistant Professor (Commerce), on which the petitioner is working for the last about 16 years on contract basis, after due selection.*

*(iii) To issue a writ, order or direction in the nature of mandamus commanding the respondents to consider and regularize the services of the petitioner on the post of Assistant Professor (Commerce), Kumaon University, Nainital.*

*(iv) To issue a writ, order or direction in the nature of mandamus commanding the respondent no.1 and 2 to grant all consequential benefits.”*

3. The case of the petitioner is that she has been working on contract basis as Assistant Professor/Lecturer (Commerce) since 17.08.2010 under respondent no.2 (Kumaon University, Nainital) in DSB Campus, Nainital. She is claiming right to be regularized in accordance with the Regularization Rules notified on 05.12.2025 (Daily Wage, Work-Charged, Contract, Fixed-Pay, Part-time and Ad-hoc Employees Regularization (Amendment) Rules, 2025.

4. The case of the petitioner is that the respondent University has issued the impugned advertisement without considering the candidature of the petitioner for regularization against the post of Assistant Professor (Commerce), which has also been advertised.



5. Shri S.S. Lingwal, learned counsel appearing on behalf of the respondent University has invited our attention towards an order dated 03.05.2025, whereby the representation of the petitioner for regularization u/s 31(3)(b) of U.P. State Universities Act, 1973 has been rejected. He submits that the claim having already been rejected, the present writ petition is liable to be dismissed.

6. Per contra, learned counsel for the petitioner submits that the said order was passed in context of the claim of the petitioner for regularization in terms of Section 31(3)(b) of U.P. State Universities Act, 1973, as according to the petitioner, the short term vacancy against which she was working got converted into a substantive vacancy and therefore she was entitled for regularization. He submits that the claim of the petitioner for regularization under Notification dated 05.12.2025 is separate and independent and cannot be defeated on the ground that the petitioner was held not entitled to regularization u/s 31(3)(b) of U.P. State Universities Act, 1973.

7. We have examined the order dated 03.05.2025 and we find substance in the submission of learned counsel for the petitioner. The consideration of the claim by the said order was as per Section 31(3)(b) of U.P. State Universities



Act, 1973 and, by which time, the present Notification dated 05.12.2025 was not even in existence. It has been specifically recited in paragraph 30 of the writ petition that the University itself constituted a high powered committee comprising of 07 members for examining the claim for regularization. It is also stated that now another Committee has been constituted by the State Government and the said Committee is yet to take any decision in the matter.

8. Shri S.S. Lingwal, learned counsel appearing for the University does not dispute the said factual position and the fact that the claim of the petitioner has not been examined under the Notification dated 05.12.2025 so far, although he tried to show to us that the petitioner could not be covered under the said Notification.

9. Since admittedly till date the claim has not been considered as per Notification dated 05.12.2025, therefore, we dispose of the writ petition with direction to the respondents to accord consideration to the claim of the petitioner under the said Notification dated 05.12.2025 within four weeks from filing of a fresh representation along with true attested copy of the instant order before the respondent University. The representation shall be filed



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positively within two weeks from today, failing which the above direction would be of no avail.

10. In the meantime, in case, any appointment is made in pursuance of the impugned advertisement against the post of Assistant Professor (Commerce), the same shall be subject to decision on the representation of the petitioner to be taken in pursuance of the instant order. The said fact shall also be clearly mentioned in the appointment order, if any, issued in favour of any person in pursuance of the impugned advertisement.

11. Pending application(s), if any, also stands disposed of.

**(MANOJ KUMAR GUPTA, C. J.)**

**(SUBHASH UPADHYAY, J.)**

Dated: 22.04.2026

Rajni

**RAJINI  
GUSAIN**

Digitally signed by RAJINI GUSAIN  
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