



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPSB/193/2021</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u> 1. Mr. Avtar Singh Rawat, learned Senior Counsel assisted by Mr. M.S. Bhandari, learned counsel for the petitioner. 2. Mr. Manoj Kumar, learned Central Government Standing Counsel for the Union of India. 3. Mr. K.N. Joshi, learned Deputy Advocate General for the State of Uttarakhand. 4. Dr. Kartikey Hari Gupta, learned counsel for the respondent-University. 5. Petitioner was appointed as part-time Teacher in H.N.B. Garhwal University in the year 1991, while it was a State University. According to petitioner, he is serving in that capacity continuously ever since then; however, his claim for regularisation has not been considered. 6. Petitioner earlier filed writ petition in which a direction was issued to the Competent Authority to examine petitioner's claim for regularisation in terms of Section 31(3)(c) of The U.P. State Universities Act, 1973. 7. In terms of that direction, Executive Council of H.N.B. Garhwal Central University examined the case of the petitioner in the light of opinion given by



			Law Officer of Union of India. Executive Council, after considering the matter at length, passed a resolution on 16.06.2011 holding that provisions of The U.P. State Universities Act, 1973 will not be applicable after its conversion to a Central University, and appointment in the Central University has to be made as per provisions contained in Statute 18(6)(iii) of the First Statute of the Central Universities Act, 2009. 8. Petitioner has challenged the said resolution by contending that Executive Council of State University, by a resolution dated 30.07.2003, had resolved to regularise service of the petitioner and other similarly situate persons, and thereafter, similar resolution was again passed on 07.07.2006, therefore, Executive Council of the Central University could not have overlooked the earlier decisions taken by Executive Council of the State University. It is further contended that a right had accrued in favour of petitioner for regularisation of his services, which cannot be defeated merely by converting the status of the University from State University to Central University. 9. Per contra, learned counsel for the University submits that there is nothing on record to substantiate the contention made by learned Senior Counsel for the petitioner that Executive Council of the State University resolved to regularise the service of the petitioner. He submits that as per resolution, referred to by counsel for the petitioner, it was provided that claim of the petitioner, along with other guest teachers, may be considered for regularisation as and when vacancies are available. He further
--	--	--	---



			submits that upon conversion of the University to a Central University, provisions of The U.P. State Universities Act, 1973 are not applicable and the affairs of the University are to be governed only by provisions of Central Universities Act, 2009. Thus, he supports the impugned decision taken by Executive Council. 10. We do not find scope for interference with the impugned decision. The Executive Council correctly held that upon conversion from State University to Central University, State Universities Act will not be applicable. Thus, there is no scope for interference. However, we dispose of the writ petition with liberty to petitioner to make fresh representation, claiming regularisation. If petitioner makes such representation within two weeks from today, the Competent Authority in the University shall sympathetically consider his claim for regularisation in view of his long uninterrupted services, within eight weeks from the date of presentation of such representation along with certified copy of this order. (Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.) 12.06.2026 Aswal — 
--	--	--	---



2026:UHC:4708-DB

--	--	--	--