



2026:UHC:3851-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA
AND

HON'BLE SHRI JUSTICE SUBHASH UPADHYAY

19TH MAY, 2026

SPECIAL APPEAL No. 160 OF 2026

Ms. Mamta Thapliyal.

..Appellant

Versus

State of Uttarakhand and others.

..Respondents

Counsel for the appellant. : Ms. Mamta Bisht, learned counsel.

Counsel for respondent nos. 1 to 4. : Mr. B.P.S. Mer, learned Standing Counsel for the State of Uttarakhand.

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

Delay Condonation Application (IA No. 01/ 2026)

1. The appeal is reported to be beyond time by 93 days. Counsel for the State has no objection to the delay being condoned.

2. Accordingly, the delay is condoned. The application is allowed. Office is directed to allot a regular number to the instant appeal.

Special Appeal No. 160/ 2026

3. The present intra-court appeal is directed against the order of learned Single Judge dated 07.01.2026 in Writ Petition (S/S) No. 31/2026, whereby the writ petition filed by the



appellant has been dismissed. In the writ petition, the appellant had claimed the following reliefs :-

“(i) Issue a writ, order or direction in the nature of mandamus commanding the Respondent No. 2 to take a decision on the revival of the post of Headmaster/Headmistress in Kanya Junior High School, Gujrada, Sahastradhara Road, Raipur, Dehradun, in accordance with the Uttarakhand School Education Act, 2006 and the Regulations, 2009 within a timebound period.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the Respondents to consider and take decision on the Petitioner’s transfer, pursuant to the approvals already granted, within a stipulated time.”

4. The appellant is working as Headmistress in a Government Aided Government Girls Junior High School in District Tehri Garhwal. The prayers in the writ petition were made in view of the fact that the appellant had applied for her transfer, as Headmistress, to Kanya Junior High School, Gujrada, Sahastradhara Road, Raipur, Dehradun. The prayer for transfer was not granted, in view of the fact that the post of Headmistress, in Kanya Junior High School, Gujrada, Sahastradhara Road, Raipur, Dehradun, was declared dead under the provisions of the Uttarakhand School Education Act, 2006 and the Regulations, 2009 made thereunder.

5. The learned Single Judge has observed that, since the post was declared dead as per the relevant Rules and Regulations, and the appellant has no vested right to seek transfer, therefore, the request made by her for commanding the respondents to revive the post cannot be accepted.



6. Learned counsel for the appellant does not dispute that the post was declared dead, but she submits that even the Management wants its revival.

7. The Management has not raised any grievance, with regard to non-revival of the post. The writ petitioner/ appellant has no vested right to seek transfer, and particularly against a post, which, at present, is not in existence, having been declared dead under the relevant Rules and Regulations.

8. As such, we find no good ground to interfere with the order of the learned Single Judge. The appeal is, accordingly, dismissed.

9. All pending applications stand disposed of accordingly.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 19th May, 2026

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