



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No. 1667 of 2026

06 July, 2026

Dinesh Chandra Kapruwan

--Petitioner

Versus

State Of Uttarakhand & others

--Respondents

Presence:-

Mr. G.P. Awasthi and Mr. Anil Bisht, learned counsel for the petitioner.

Mr. S.S. Chaudhary, learned Standing Counsel for the State.

Hon'ble Pankaj Purohit, J.

By means of present writ petition, petitioner has sought the following relief:-

“(i) Issue a writ, order or direction in the nature of mandamus commanding the respondents to count the services of petitioner from the date of initial appointment (the services, which he rendered before provincialization of the institution), for the purpose of determining his seniority, in view of the judgment and order dated 08.05.2024 (annexure no.8, page 38 to 42 passed in the matter of similarly situated person, i.e. in SPA No.833/2019 (State and others vs. Tula Singh Tariyal).”

2. It is the case of the petitioner that petitioner is presently serving as Headmaster, Government Junior High School, Kalyari, District Chamoli, under the Elementary Education Department. He was initially appointed as Headmaster on 04.12.1993 in Pinder Public Junior High School, Tharali, District Chamoli, pursuant to a duly approved selection by the District Basic



Education Officer. The institution was recognized from its inception, subsequently brought under the grant-in-aid scheme, and was later provincialized by Government Order dated 04.03.2014. Petitioner has rendered continuous and unblemished service since his initial appointment. Respondent-department has already counted his entire service from 06.12.1993 for granting the Selection Grade and Promotional Pay-Scale, thereby acknowledging the continuity of his service. However, while determining seniority, respondents have arbitrarily excluded the period of service rendered by the petitioner prior to the provincialization of the institution.

3. Learned counsel for the petitioner submits that the issue involved in the present writ petition is no longer *res integra*. Identical claims have been upheld by this Court in the case of ***Tula Singh Tariyal v. State of Uttarakhand***, in WPSS No. 3461 of 2017, decided on 22.12.2017, which was decided by relying upon the judgments in ***Beer Singh Bhandari v. State of Uttarakhand & Others*** and ***State of Uttarakhand & Others v. Rajendra Prasad Pant***. He further submits that State's review application as well as Special Appeal No.833 of 2019 against the judgment in *Tula Singh Tariyal* was dismissed, and the said judgment has also been implemented by the department by granting the benefit of seniority and promotion from the initial date of appointment. He also submits that similar relief has further been granted in ***Raghuveer Singh Badiyari & Others v. State of Uttarakhand***, and the same has also been implemented by the concerned authorities.



4. Learned counsel for the petitioner submits that, despite being identically situated, petitioner has been denied the same benefit. His representation dated 09.04.2026 has remained unattended. Respondents' action in counting petitioner's pre-provincialization service for financial benefits while refusing to count the very same period for seniority is arbitrary and discriminatory.

5. Heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the controversy involved in the present writ petition is no longer *res integra*. The issue stands concluded by the judgment of this Court in *Tula Singh Tariyal (Supra)* wherein this Court, relying upon the judgments in *Beer Singh Bhandari v. State of Uttarakhand & Others* and *State of Uttarakhand & Others v. Rajendra Prasad Pant*, held that the service rendered by an employee prior to the provincialization of the institution is liable to be counted for the purpose of seniority, once such service has been recognized and counted for other service benefits. The said judgment has attained finality, as the State's review application as well as Special Appeal No.833 of 2019 was dismissed, and the judgment has also been implemented by the respondents in similarly situated cases.

6. Accordingly, the writ petition is allowed in terms of the judgment rendered by this Court in the case of *Tula Singh Tariyal (Supra)*. Respondents are directed to count the petitioner's service from his initial appointment for the purpose of determining his seniority and to extend



all consequential benefits, including consideration for promotion, in accordance with law.

7. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)

06.07.2026

AK

A small, faint red mark or signature located below the text 'AK'.