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

Special Appeal No.310 of 2026

28th July, 2026

State of Uttarakhand and Others -----Appellants

Versus

Arvind Lal and Others ----Respondents

Presence:-
Mr. Sachin Mohan Singh Mehta, learned Standing Counsel for the State of Uttarakhand.
Mr. Anil Kumar Joshi, learned counsel for respondent no.1.
Mr. Manindra Singh Bhandari, learned counsel for respondent no.2.

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

Delay Condonation Application (IA/1/2026)

1. Appeal is reported to be beyond time by 166 days. The explanation given for the delay is found to be satisfactory. Even otherwise, learned counsel for the respondents do not oppose the delay condonation application. Accordingly, delay condonation application is allowed and delay in filing the appeal is condoned.

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2. Heard learned counsel for the parties.

3. The present intra-court appeal is directed against the order of learned Single Judge dated 30.12.2025 whereby the writ petition filed by non-appellant no.1 has been disposed of in terms of the judgment passed by this Court in WPSS No.3491 of 2018, (Mamta Shah Vs. State of Uttarakhand and Others) dated 02.03.2022 which was affirmed by the Division Bench by judgment dated 05.03.2024 passed in Special Appeal No.385 of 2022 as well as the judgment of the Hon'ble Supreme Court in the case of **Uma kant and Another Vs. State of U.P. and Others arising out of SLP (C) No.22164 of 2024 decided on 31.10.2025, 2025 INSC 1273**.

4. Learned Standing Counsel tried to submit that there are certain distinguishing features on account of which the aforesaid judgments would not apply.

5. The learned Single Judge has noted in paragraph no.7 of his order that learned Standing Counsel as well as learned counsel for the Management have not disputed before him that the issue raised in the writ petition is covered by the aforesaid judgments.

6. In such view of the matter, we are not inclined to entertain the instant appeal but leave it open to the appellants to apply for review before the learned Single Judge, if so advised.

7. The appeal stands disposed of accordingly.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 28.07.2026
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