



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No. 1429 of 2025

11 August, 2026

- 1: Naushad Alam
- 2: Mrs Samreen Kamal
- 3: Mohammad Gulsitab
- 4: Kumari Nikki Alam
- 5: Mrs Suriya
- 6: Mrs Khushnooda
- 7: Mrs Sahira Banu
- 8: Ashraf Ahmed
- 9: Nasreen
- 10: Rukhsaar
- 11: Toufeeque Ahmed
- 12: Mrs Reehana

--Petitioners

Versus

- Secretary School Education
- 2: Director School Education
- 3: District Education Office
- 4: Additional Director Primary Education
- 5: Deputy Primary Education Officer
- 6: Assistant Account General

--Respondents

Presence:-

- Mr. S.S. Yadav, learned counsel for the petitioners.
 - Mr. S.S. Chaudhary, learned Standing Counsel for the State/
respondent nos.1 to 4.
 - Mr. Rajesh Sharma, learned counsel for respondent nos.5 & 6.
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Hon'ble Pankaj Purohit, J. (Oral)

Delay in filing the counter affidavit is condoned. Delay condonation application (IA/3/2026) stands disposed of. Counter affidavit filed on behalf of respondent No.3 is taken on record.

2. This petition has been filed by the petitioners on the premise that the petitioners were appointed vide order dated 17.07.2006 passed by Additional District



Education Officer (Basic) Chamoli, as Assistant Teacher Urdu (Untrained) on fixed pay and the petitioners joined as such with the respondent/department. Subsequently, the petitioners claimed before the respondents for covering them within the Old Pension Scheme.

3. The respondents-State under the hand of Secretary Education issued a Government Order No. 256688/XXIV-A-1/2024-78636/2024 dated 28.11.2024, bringing the 16 Assistant Teachers/Head Masters, Primary Elementary Education, under Old Pension Scheme, which is reflected from Annexure No.7 to the writ petition.

4. Pursuant to the aforesaid Government Order dated 28.11.2024 issued by the Secretary/respondent no.1, petitioner no.1-Naushad Alam was allotted the GPF Number. But, in between, the Director Elementary Education, received communication from Joint Secretary, University Grant Commission, New Delhi, and on the basis of said communication, it was informed that Jamiya Urdu Aligarh, Uttar Pradesh, does not appear in the list of University maintained in the University Grant Commission and therefore, Jamiya Urdu Aligarh is not a recognized institution and is also not authorized to confer degree. Acting on said information, notices were issued to such teachers who possessed the degree from Jamiya Urdu Aligarh and those teachers were called upon to submit their explanation before further action be taken against them, and accordingly, the petitioners' case under the OPS Scheme was withheld on the ground that the appointment of such petitioners were under cloud, which resulted into non extending the benefit of the OPS to petitioners.



5. The petitioners are before this Court for a direction to the respondents to issue GPF number to them, which was accordingly issued to the petitioner no.1 by the respondent no.6.

6. Having heard the learned counsel for the parties and having perused the entire record, this Court is of the view that since the Government order passed by the Secretary on 28.11.2024 was in existence, therefore, the Director, School Education, before proceeding further in a different manner or withholding the benefit of Government Order dated 28.11.2024, should have approached the Secretary, Education to pass a fresh order to withdraw the earlier Government Order dated 28.11.2024. But this has not been done, therefore, withholding of petitioners to get the coverage under the Old Pension Scheme appears to be contrary to the procedure as Director is subordinate to the Secretary. There is no dispute that all the petitioners are still working uninterruptedly.

7. In such view of the matter, present writ petition is disposed of, directing the respondents-State to consider petitioners to be brought under the Old Pension Scheme afresh ignoring any subsequent decision taken by the respondent No.2-Director, School Education, strictly in accordance with law.

8. Pending applications stand disposed of.

(Pankaj Purohit, J.)

11.08.2026

Nahid

NAHEED
PRAVEEN