



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
Writ Petition (S/B) No.527 of 2026
7th August, 2026

Dr. Binay Kumar -----Petitioner

Versus

State of Uttarakhand and Others -----Respondents

Presence:-

Mr. D.S. Patni, learned Senior Counsel assisted by Mr. Dharmendra Barthwal and Mr. Himanshu Yadav, learned counsel for the petitioner.

Mr. Puran Singh Bisht, learned C.S.C. along with Mr. B.P.S. Mer, learned Standing Counsel and Mr. M.S. Bisht, learned Brief Holder for the State of Uttarakhand.

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

1. Heard learned counsel for the parties.
2. The present writ petition has been filed praying for the following relief:

“a) Issue a writ, order, or direction in the nature of certiorari quashing impugned order dated 03-08-2026 passed by the respondent no. 1 (Annexure no. 2 to the instant petition, annexed at page no.22 to page 22 in the instant petition), to the extent of appointment of respondent no.4 as Principal, Government Medical College Rudrapur, District Udham Singh Nagar and further to direct the respondent no. 1 to open the petitioner's sealed cover envelope, look into recommendations of the DPC and act on it and accordingly appoint the petitioner (as the petitioner being much senior to the respondent no.4 herein in the seniority list) from the date when his juniors have been promoted as Principal of Government Medical College;

Or Alternatively, *to quash the impugned order dated 03-08-2026 passed by the respondent no. 1 (Annexure no. 2 to the instant petition, annexed at page no.22 to page 22 in the instant petition), to the extent of appointment of respondent no. 3 as In Charge Principal, Government Medical College Haridwar and*



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further to direct the respondent no. 1 to open the sealed cover envelope, look into the recommendations of the DPC and act on it and accordingly appoint the petitioner as the petitioner herein, being much senior to the respondent no. 3, from the date when his juniors have been promoted as Principal of Government Medical College.

ii) Issue any other writ, order, or direction as this Hon'ble Court deems fit and proper in the interest of justice.

iii) Award costs of the petition to the petitioner."

3. On 14.02.2025, the Additional Director, Directorate of Medical Education sought consent from 11 Professors for their cases being considered for promotion as Principal of various Medical Colleges in the State. It also includes the name of the petitioner. The petitioner is stated to have given his consent vide letter dated 17.02.2025.

4. An order of transfer dated 03.08.2026 has been passed whereby various principals have been transferred. The petitioner has challenged the said order with the grievance that although the respondents had themselves initiated the process for promotion of Professors to the post of Principals and the petitioner had also given his consent but the petitioner has not been promoted although in the seniority list his name is at Serial No.4. According to him, his juniors have been promoted long back.



5. Learned State Counsel has brought on record the instructions received from the Director, Medical Education, according to which, a minor punishment was awarded to the petitioner on 28.07.2020 on basis of which an entry was made in the ACR of the petitioner in the year 2020-21 and his two increments were also stopped.

6. It appears that because of the said minor punishment, the DPC when it met in July 2025, kept the result of the petitioner in sealed cover. According to the instructions furnished by the Director, the Departmental Promotion Committee is going to meet soon and in which the case of the petitioner would also be considered. It is also stated that order dated 03.08.2026 by which transfers have been made is a purely *ad-hoc* arrangement.

7. Having regard to the fact that the impugned transfer order is merely transfer of the persons who already hold the post of Principal, from one Medical College to another, and is not a promotion order, the same is not interfered with.

8. As the stand of the Government is that DPC is going to meet soon and wherein case of the petitioner would also be considered, we dispose of the petition with



direction to the State Government to hold the necessary exercise in this regard within four weeks from today.

9. Mr. B.P.S. Mer, learned Standing Counsel undertakes to communicate the instant order to the competent authority for necessary compliance.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 07.08.2026
SS