



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.347 of 2026
19th August, 2026

Manish Chandra -----Appellant

Versus

State of Uttarakhand and Others ----Respondents

Presence:-
Mr. C.S. Rawat, Mr. Vaibhav Gupta and Mr. Vivek Kumar, learned counsel for the appellant.
Mr. B.S. Parihar, learned Addl. C.S.C. along with 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 intra-court appeal is directed against the order of learned Single Judge dated 10.08.2026 in WPSS No.2016 of 2026 whereby the writ petition filed by the appellant, who is an Assistant Teacher at Government Primary School Mangdoli, Block-Tarikhet, District Almora, challenging his attachment at Government Girls Upper Primary School, Jainoli, Block-Tarikhet, District Almora (wrongly mentioned as Government Upper Primary School Jainoli) and the consequential relieving order dated 10.07.2026 has been dismissed.
3. The institution where the appellant has been attached is admittedly situated at a distance of 15



Kilometers from Government Primary School Mangdoli, Block-Tarikhet, District Almora.

4. Before the learned Single Judge, the department took the stand that the appellant was relieved from his present place of posting in pursuance of order of Deputy Education Officer, Almora dated 19.05.2026. It was stated to be an *ad-hoc* arrangement as there was only one regular teacher left in Government Girls Upper Primary School Jainoli whereas students strength was 49. Therefore, two teachers were required to be posted at the said institution.

5. The learned Single Judge, after considering the written instructions submitted by the department, held that the Deputy Education Officer is the immediate superior officer of the appellant and he has to manage the teaching in his block, therefore, he had the power to make *ad-hoc* arrangement. Accordingly, the writ petition has been dismissed.

6. The learned Single Judge has also directed that if the appellant joins at the Government Girls Upper Primary School, Jainoli, Block-Tarikhet, District Almora within seven days from the date of passing of the order he would be entitled to entire arrears, including the regular salary on month-to-month basis.



7. Shri C.S. Rawat, learned counsel for the appellant submitted that the order of attachment of the appellant passed by Deputy Education Officer was without jurisdiction inasmuch as the power to transfer lies with the District Education Officer.

8. Having regard to the said contention, by our previous order, we required learned State Counsel to obtain instructions and further provided that, in case the arrangement does not have the approval of the District Education Officer, the matter be placed before him for appropriate orders and his decision be brought on record through written instructions.

9. Learned State Counsel has placed on record the written instructions received from the District Education Officer dated 17.08.2026. Along with the same, an order passed by the District Education Officer on 17.08.2026 has also been annexed whereby he has granted approval to the attachment of the petitioner at Government Girls Upper Primary School, Jainoli, Block- Tarikhet, District Almora.

10. The order recites that the arrangement is purely *ad-hoc* and as soon as a regular teacher is posted in the institution the *ad-hoc* arrangement would cease. In the written instructions, it is stated that the process of



transfer in the department is already in progress and order is likely to be issued by 25.08.2026. It is further stated that as soon as any teacher is posted in the institution on regular basis in pursuance of the transfer exercise the *ad-hoc* arrangement would come to an end.

11. The attachment of the petitioner, as noted above, is purely an *ad-hoc* arrangement and, as per the stand taken by the District Education Officer, the attachment would come to end as soon as any teacher is posted in the college on regular basis. The *ad-hoc* arrangement whereunder the petitioner has been attached has been made to ensure that the teaching in the institution is not affected.

12. The Deputy Education Officer and the District Education Officer are in-charge of the primary education of their block and the district respectively. The impugned arrangement, as noted above, is purely an *ad-hoc* arrangement in the interest of students. Therefore, we find no good ground to interfere in the matter.

13. The appeal lacks merit and is, accordingly, dismissed.

14. It is further provided that, in case the appellant had not joined the institution to which he has been attached, he shall join at the said place within 48 hours,



failing which, it shall be open to the department to take appropriate action against the appellant.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 19.08.2026
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