



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. 355 of 2026

21st August, 2026

Subhash Chandra

-----Appellant

Versus

State of Uttarakhand and others

----Respondents

Presence:-

Mr. S.S.Yadav, learned counsel for the appellant.

Mr. B.P.S.Mer, learned Standing Counsel, assisted by Mr. M.S.Bisht, Brief Holder for the State.

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

1. The present *intra-court* appeal is directed against the order of the learned Single Judge dated 11.08.2026, whereby the writ petition filed by the appellant challenging an order dated 29.07.2026, passed by Additional Director, School Education, Kumaun, Bhimtal, Nainital, has been dismissed.

2. The appellant/petitioner is working as an Assistant Teacher at Atal Utkrisht Government Inter College, Tarikhet, Almora. He again appeared in the selection process held in the year 2025 for appointment on post of Assistant Teachers in Atal Utkrisht Government Inter Colleges and he again succeeded. At the time of counseling, he opted for the institution at Bhujan. Respondent no. 6, who was also selected, opted



for Tarikhet, where the petitioner is presently posted. Subsequently, it seems that the petitioner changed his mind and opted to continue at Tarikhet, by means of a representation dated 30.07.2026. The said representation was rejected by the order impugned in the writ petition and he was directed to join at Bhujan. It was further provided that respondent no. 6 would join at Tarikhet consequent to the vacancy caused by the joining of the petitioner at Bhujan.

3. The learned Single Judge has dismissed the writ petition and upheld the order passed by the Additional Director after taking note of the fact that the petitioner himself opted for Bhujan at the time of counseling and accordingly, he was allotted the said institution. In case, now the petitioner is permitted to withdraw the option, it would adversely affect the right of respondent no. 6.

4. Mr. S.S.Yadav, learned counsel for the petitioner submits that the petitioner has come to know that there is a vacancy at Gajraula, District Udham Singh Nagar, which was earlier not shown as vacant at the time of counseling. He submits that the appellant be granted liberty to make representation for allotment of the institution at Gajraula, Udham Singh Nagar.



5. Learned State Counsel submits that, in case, any such representation is filed, the same would be considered in accordance with law.

6. Accordingly, without interfering with the order of learned Single Judge, the appeal is disposed of with liberty to the appellant/petitioner to make representation within a week for allotment of the institution at Atal Utkrisht Government Inter College at Gajraula. It is further provided that in the event any such representation is made, the same shall be decided by the competent authority by a speaking order within two weeks from the date representation is made.

7. The appeal stands disposed of.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 21.08.2026

Kaushal