



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

WRIT PETITION (PIL) NO. 160 OF 2022

11TH FEBRUARY, 2026

Abhinav Thapar Petitioner

Versus

State of Uttarakhand & another Respondents

Counsel for the petitioner : Mr. Abhijay Negi and Ms. Snigdha Negi, learned counsels

Counsel for the respondents : Mr. B.S. Parihar, learned Additional Chief Standing Counsel with Mr. Gajendra Tripathi, learned Standing Counsel for the State

: Mr. Amit Anand Tiwari, learned Senior Counsel (through VC) assisted by Mr. Vikas Bahuguna, learned counsel for respondent No. 2

The Court made the following:

JUDGMENT: (per Sri Manoj Kumar Gupta, C.J.)

1) The following reliefs have been prayed for in the present Public Interest Litigation :

“(a) Issue a writ, order or direction in the nature of mandamus commanding the State of Uttarakhand and the Uttarakhand Vidhan Sabha to submit all records pertaining to all recruitments made to all posts in the Uttarakhand Vidhan Sabha right from



the inception of the State of Uttarakhand before this Hon'ble court in original.

- (b) To constitute a high level judicial inquiry, by a special investigation team to be headed by judicial member, to look into the persons involved in perpetuating the illegalities in the highest law making body the State of Uttarakhand, the systemic failure so caused and to ensure that the said failure is not repeated in the future.
- (c) Issue a writ, order or direction in the nature of mandamus commanding the respondent Nos. 1 and 2 to recover the expenses incurred in salary / allowances of irregularly appointed personnel from the officials involved in appointments of these ad-hoc appointments in Vidhan Sabha as per the Government Order dated 6th February 2003."

2) The petitioner in the present public interest litigation has raised the issue of illegal appointments made in Uttarakhand Vidhan Sabha in the past without following any procedure. The case is that several appointments have been made without advertising the posts and without holding any selection, resulting in violation of the constitutional guarantees under Articles 14 and 16 of the Constitution.

3) A counter-affidavit was filed on behalf of respondent No. 2 in which it is not denied that appointments were made in the past without following any



procedure. Noticing the stand taken in the counter-affidavit, on 07.07.2023, the following order was passed :

- “1. Mr. Abhijay Negi, learned counsel for the petitioner.*
- 2. Mr. Pradeep Joshi, learned Additional Chief Standing Counsel for the State.*
- 3. Mr. Parikshit Saini, learned counsel for respondent no.2.*
- 4. Mr. Negi has referred to the counter-affidavit filed on behalf of respondent no.2. He submits that a perusal of the said affidavit shows that despite it being recommended that ad hoc appointments be not made dehors the Rules, the appointments were directed to be made at the higher levels. As many as 396 appointments were made from 2001 onwards and even up till 2021. In Paragraph No.7 of the counter-affidavit filed by respondent no.2, the year-wise breakup of such ad hoc appointments has been provided.*
- 5. We direct the petitioner as well as respondent no.2 to file their respective affidavits wherein they should indicate the persons/ authorities responsible for the making of the ad hoc appointment dehors the Rules, and dehors the Government Order dated 06.02.2003.*
- 6. Let the affidavit in this regard be filed by the petitioner as well as respondent no.2 within three weeks.*
- 7. List on 04.08.2023.”*

4) In compliance of the aforesaid order, affidavit was filed by respondent No. 2 and, thereafter, taking note



of the stand taken in the said affidavit further order was passed on 28.02.2024, which is as follows :

- “1. Mr. Abhijay Negi and Ms. Snigdha Tiwari, learned counsel for petitioner.*
- 2. Mr. B.S. Parihar, learned Standing Counsel for the State of Uttarakhand.*
- 3. Mr. Amit Anand Tiwari, learned Senior Counsel assisted by Mr. Parikshit Saini, learned counsel for respondent no. 2.*
- 4. Heard learned counsel for the parties.*
- 5. Pursuant to the order dated 07.07.2023, as of today 166 ad hoc employees, who were appointed without following the procedure, have been regularised in the year 2015, and 227 ad hoc employees, who were not appointed as per law, have been removed on 23.09.2022. To this extent, facts are not in dispute between the parties.*
- 6. The next question for consideration is what steps the respondents have taken regarding these wrong appointments made, without following any procedure of selection, even on ad hoc basis as per G.O. dated 06.02.2003.*
- 7. The respondents are given direction to file an affidavit, what steps they have taken, as per the Government Order dated 06.02.2003.*
- 8. List on 20.06.2024.”*

5) In pursuance thereto, an affidavit was filed on 9th July 2024, on behalf of respondent No. 2, in which the



stand taken is that all the said appointments were made on the direction of the then Hon'ble Speakers with the concurrence of the then Chief Ministers overlooking the objections raised by the Vidhan Sabha Secretariat.

6) Para No. 9 of the said affidavit is reproduced below :

"That it is further submitted that, the issue of action under GO dated 06.02.2003 has to be examined keeping in mind the facts as stated in the supplementary affidavit dated 18th July 2023, these appointments were made on the direction of the then Hon'ble Speakers with the concurrence of the then Hon'ble Chief Ministers by not accepting the advice of the Vidhan Sabha Secretariat / Departments of the Govt."

7) Mr. Amit Anand Tiwari, learned Senior Counsel appearing on behalf of respondent No. 2 submits that respondent No. 2, after seeking approval from the State Government, terminated the services of such illegal appointees, issuing separate orders, between 26th September 2022 and 28th September 2022. These persons have filed writ petitions before this Court and their writ petitions are still pending. He submits that respondent No. 2 has, therefore, itself acted in the matter



in accordance with law. He further submits that since the appointments were made on the direction of the then Speaker, who held a constitutional post and, therefore, the controversy be laid at rest at this stage in respect of prayer No. (c).

8) It is not disputed even by learned counsel for the petitioner that the second respondent had itself constituted an enquiry committee and based on the said report terminated the illegal appointments even before the present writ petition was filed. Respondent No.2 has also identified the persons responsible for the said appointments. Therefore, in our view, no further direction is required to be issued in respect of relief Nos.(a) and (b).

9) Further, having regard to the stand taken by respondent No. 2 in its affidavit in respect of the person responsible for making the appointments, referable to relief No. (c), we do not deem it appropriate to examine the issue any further in the present Public Interest Litigation, and consider it appropriate to give quietus to the said aspect.

10) Accordingly, the present writ petition is consigned to record.



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11) The disposal of the present PIL or any observation made herein would not have any effect on the writ petitions which are stated to be pending before this Court at the behest of the persons whose services were terminated by respondent No. 2.

12) Pending application(s), if any, also stand disposed of.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 11TH FEBRUARY, 2026
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