



JUDGMENT RESERVED ON: 15.06.2026

JUDGMENT DELIVERED ON: 07.07.2026

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.362 of 2022

Prem Lata Baudai and Others -----Petitioners

Versus

State of Uttarakhand and Others -----Respondents

With

Writ Petition (S/B) No.51 of 2023

State of Uttarakhand -----Petitioner

Versus

Prem Lata Baudai & Others -----Respondents

Writ Petition (S/B) No.69 of 2023

State of Uttarakhand & Others -----Petitioners

Versus

Prem Lata Baudai & Others -----Respondents

Writ Petition (S/B) No.475 of 2023

State of Uttarakhand & Others -----Petitioners

Versus

Ravindra Kumar Pal and Others -----Respondents

Writ Petition (S/B) No.476 of 2023

State of Uttarakhand and Others -----Petitioners

Versus

Navind Chandra Mathpal and Others -----Respondents



Writ Petition (S/B) No.477 of 2023

State of Uttarakhand and Others

----Petitioners

Versus

Laxman Singh Khati and Others

----Respondents

Writ Petition (S/B) No.479 of 2023

State of Uttarakhand and Others

----Petitioners

Versus

Rajendra Prasad Kulashri and Others

----Respondents

Writ Petition (S/B) No.481 of 2023

State of Uttarakhand and Others

----Petitioners

Versus

Jeevan Singh Dhami and Others

----Respondents

Writ Petition (S/B) No.482 of 2023

State of Uttarakhand and Others

----Petitioners

Versus

Vinod Kumar Joshi

----Respondents

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Presence:-**

Mr. S.S. Yadav, learned counsel for the petitioner in WPSB No.362/2022
 Mr. B.P.S. Mer, learned Standing Counsel for the State of Uttarakhand
 Mr. Kailash Chandra Tewari, learned counsel for respondent nos.11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 39, 40, 42, 43, 46, 50, 52, 53 in WPSB no.362/2022 and for respondent no.12 in WPSB No.51/2023 and for respondent nos.12, 78 in WPSB No.69/2023
 Mr. Lalit Samant, learned counsel for the caveator in WPSB No.362/2022 and for respondents in WPSB no.477/2023 and 481/2023
 Ms. Devika Tiwari, learned counsel for respondent no.38 in WPSB No.362/2022
 Mr. Vinod Nautiyal, learned counsel for respondents in WPSB No.476/2023.

JUDGMENT : (per Mr. Subhash Upadhyay, J.)

1. Since common questions of law and fact are involved in this batch of writ petitions, therefore they were



heard together and are being decided by a common judgment.

2. In these writ petitions, the petitioners have assailed the judgment and order dated 21.04.2022 passed by Uttarakhand Public Services Tribunal (*hereinafter to be referred as 'The Tribunal'*). By the impugned order, the Tribunal allowed the claim petitions and set aside the order dated 13.07.2021 passed by the Secretary, Education, by which the claim of *ad hoc* teachers appointed as Lecturers and Assistant Teachers (LT Grade) for grant of seniority w.e.f. 01.10.1990 was rejected. The Tribunal further directed the State Government to consider the issue of fixation of *inter-se* seniority of the Lecturers and Assistant Teachers (LT Grade) afresh in view of the judgment passed in the case of Bhuwan Chandra Kandpal.

3. The case has a chequered history. Mr. Bhuwan Chandra Kandpal, an Assistant Teacher (English) in LT Grade, who was appointed on *ad hoc* basis, vide order dated 04.09.1990, claimed the benefit of a Government Order dated 21.11.1995 and contended that though his services were regularized on 31.12.1999, however, in view of G.O. dated 21.11.1995, his services were liable to be regularized w.e.f. 01.10.1990. A writ petition was filed by



Mr. Bhuwan Chandra Kandpal being WPSB No.162/2002 seeking a writ of mandamus, directing the respondents to consider his services regularized w.e.f. 01.10.1990. It appears that during the pendency of said writ petition, the representation preferred by him for the said relief was rejected on 17.01.2003 and the learned Single Judge, vide order dated 28.10.2004, quashed the said order also and issued a writ of mandamus directing that the services of Bhuwan Chandra Kanpdal be treated to have been regularized in L.T. Grade w.e.f. 01.10.1990. The State Government was further directed to consider his case for promotion in the Lecturer Grade. The learned Single Judge considered the G.O. dated 21.11.1995 and held in paras 5 to 9 as under:-

“5) The short question for consideration before this Court is whether, the petitioner was wrongly denied his seniority by not treating his regularization in L.T. Grade w.e.f. 01.10.1990. Further it is to be seen if his representation is wrongly rejected vied order dated 17.01.2003 by the respondents.

6) Admittedly, the petitioner was appointed as Assistant Teacher (English) in L.T. Grade vide order dated 04.09.1990 (copy Annexure-1 to the writ petition). It is also admitted that he joined his duties in pursuance of said orders on 19.09.1990. It is also admitted between parties that in compliance of Government Order dated 21.11.1995 (copy annexure-2 to the writ petition), services of the petitioner were regularized on 31.12.1999. The dispute relates to the fact as to from which date the petitioner's services stood regularized and from which date he is entitled to his seniority. before further discussions, it is pertinent to mention here the relevant paras of the



Government Order No. 3179/15-2-95-27 (40)/93 dated 21.11.1995. Para 1 and Para 4 of said Government Orders reads as under: 1) उत्तराखण्ड क्षेत्र के सभी ऐसे प्रवक्ता/ एल0 टी0 ग्रेड शिक्षकों को जो राजकीय शिक्षण संस्थाओं में तदर्थ रूप से दिनांक 1 अक्टूबर 90 से पूर्व नियुक्त किये गये हैं, को एतद्वारा विनियमित किया जाता है।.....

4) इस शासनादेश के तहत विनियमिनीकरण दिनांक 1 अक्टूबर 1990 निर्दिष्ट किये जाने के फलस्वरूप विनियमित किये गये कुल प्रवक्ता/ एल0 टी0 ग्रेड शिक्षकों का विषयवार, जनपदवार विवरण निदेशक, माध्यमिक शिक्षा / अपर शिक्षा निदेशक (उत्तराखण्ड) द्वारा शासन को यथाशीघ्र उपलब्ध कराया जायेगा एवं एतद्वारा विनियमित प्रवक्ता/ एल0 टी0 ग्रेड शिक्षकों की पारस्परिक ज्येष्ठता सूची/ कार्मिक विभाग द्वारा निर्दिष्ट प्रक्रिया के अधीन निर्धारित की जायेगी।”

The above paragraphs of said Government Order leave no doubt as to the fact that the appointees in L.T. Grade on adhoc basis prior to 1st October, 1990 stood regularized w.e.f. October, 1990 and no further orders were needed as issued by the respondents on 31.12.1990 to regularized the services of the petitioner.

7) Learned standing counsel for submitted that the petitioner's services cannot be treated to have been regularized w.e.f. 01.10.1990 as no cut-off date has been given in the Government Order. I see no force in the contention for the reason that the opening sentence of Para 4 starts with the expression- इस शासनादेश के तहत विनियमिनीकरण दिनांक 1 अक्टूबर 1990 निर्दिष्ट किये जाने के फलस्वरूप” which makes the intention of the Government Order very clear. As far as regularization of petitioner is concerned his services stood regularized by the Government Order dated 21.11.1995 itself as the last word of Para 1 of said Government Order declare “एतद्वारा विनियमित किया जाता है”- That being the position, it cannot be said if the petitioner could have been deprived of his seniority against the person (read Pooran Singh Bhandari) who was admittedly appointed on adhoc basis in L.T. Grade after the year 1991. In the Para 10 of the Counter Affidavit, respondents have admitted that Shri Pooran Singh Bhandari was promoted on adhoc basis as Assistant Teacher in L.T. Grade w.e.f. 01.01.1992. As such giving promotion to him in lecturer grade before considering the case of the petitioner is against all norms of the services law.



8) Though in the counter affidavit a plea has been taken that petitioner's initial appointment stood expired on 14.05.1991 but simultaneously, it has been admitted that under orders of the Allahabad High Court passed in writ petition No. 14794 of 1991, he continued in the service and said writ petition was disposed of with the direction that the petitioner be allowed to continue in service until the duly selected teachers are appointed through the Commission. As such he was in continuous service till regularization of his services.

9) In the circumstances, the petitioner has been continuously serving in the L.T. Grade right from the date 19.09.1990. As such in view of the above discussion, rejection of the petitioner's representation relating to his seniority vide order dated 17.01.2003 is bad in law. Therefore, the writ petition is allowed. The mandamus is issued that the petitioner's services be treated to have been regularized in L.T. Grade w.e.f. 01.10.1990. The order dated 17.01.2003 (copy Annexure CA-5 to the counter affidavit) where by the representation of the petitioner was rejected, is quashed. The petitioner's case for promotion in the lecturer grade shall be considered in the light of the observations given in the body of the judgment considering his due seniority. No order as to costs."

4. The said order was put to challenge by State Government before the Division Bench of this Court in Special Appeal No.28/2005 and the special appeal was dismissed on 23.02.2006. The SLP (Civil appeal No.3396/2006) preferred by the State Government was dismissed by the Hon'ble Apex Court on 20.04.2011. The Hon'ble Apex Court considered the G.O. dated 21.11.1995 and took the view that services of Bhuwan Chandra Kandpal were rightly held to be regularized w.e.f. 01.10.1990. It appears that there was an interim order in



the SLP pending before the Hon'ble Supreme Court and after the dismissal of SLP, the State Government regularized the services of Bhuwan Chandra Kanpdal vide order dated 13.01.2012 w.e.f. 01.10.1990. After the dismissal of the SLP, certain other similarly situated employees filed Writ Petition being WPSS No.1181/2011, claiming benefit of said G.O. dated 21.11.1995 and their writ petition was allowed on 12.10.2012 on similar terms as in the case of Bhuwan Chandra Kandpal, and thereafter the Special Appeal No.402/2015 preferred by the State Government assailing the order dated 12.10.2012 was also dismissed. Certain other Assistant Teachers (L.T. Grade) and Lecturers, who were appointed on *ad hoc* basis prior to 01.10.1990, seeking benefit of G.O. dated 21.11.1995 and the order passed by the Court in the case of Bhuwan Chandra Kanpdal, filed various writ petitions, which were clubbed together and the leading case was WPSS No.1008/2014 "Trivikram Singh Kunwar and Others vs. State of Uttarakhand and another". In the said case, intervention applications were filed by the Assistant Teachers who were appointed in CT Grade during the year 1986 to 1989 and who were later on absorbed in LT Grade in 1991 to 1994. An application was also filed by the Assistant Teachers, who were directly appointed in the year



1995 to 1997. The interveners opposed the prayer of the writ petitioners on the ground that in case the services of those writ petitioners are treated to be regularized w.e.f. 01.10.1990 and they are granted seniority from the said date, then their seniority would be affected which was finalized in the year 2005.

5. A Coordinate Bench of this Court, vide its order dated 03.01.2019, passed in WPSS No.1008 of 2014 however concluded that the judgment in the case of Bhuwan Chandra Kanpdal is a judgment *in rem*. The Court held in para 21 and 22, as under:-

“21. The learned Single Judge has construed G.O. dated 21.11.1995, and has held that, in terms thereof, all appointees in L.T Grade on ad hoc basis prior to 01.10.1990 stood regularized w.e.f. 01.10.1990, and no further order was needed to be issued by the respondents. The construction placed by the learned Single Judge, on G.O. dated 21.11.1995, would apply to all those whose services were regularized by the said G.O. dated 21.11.1995, which include all the petitioners herein. In terms of the order passed by the learned Single Judge, the State of Uttarakhand was obligated to regularize the services of all those, who were regularized in terms of the G.O. dated 21.11.1995, w.e.f. 01.10.1990, and not in subsequent years ranging from 1999 to 2004.

*22. The judgment of the learned Single Judge in **Bhuwan Chandra Kandpal vs. State of Uttaranchal and other (Civil Writ Petition (S/B) No. 162 of 2002) dated 28.10.2004** is a judgment in rem. This judgment was affirmed by the Supreme Court in its order in Civil Appeal No. 3396 of 2006 dated 20.04.2011, wherein it was held that the learned Single Judge had taken the correct view in directing*



the services of the respondents to be treated to have been regularized in LT Grade w.e.f. 01.10.1990. The order of learned Single Judge in Civil Writ Petition (S/B) No. 162 of 2002 dated 28.10.2004 has merged in the order of Supreme Court in Civil Appeal No. 3396 of 2006 dated 20.04.2011. Consequently, the State of Uttarakhand was obligated to regularize the services of all those, in whose favour G.O. dated 21.11.1995 was issued, from 01.10.1990, and not subsequent thereto during the years 1999 to 2004”

6. The Court, while disposing of the writ petition, in para 29 held as follows:-

“29. While the petitioners have no doubt sought the benefit of being extended seniority w.e.f. 01.10.1990, we see no reason to grant them such a relief in this writ petition, as that would necessitate this Court having to adjudicate upon the inter-se seniority between the petitioners on the one hand and the private respondents/intervenors on the other. Suffice it, therefore, to permit the petitioners herein to make a representation to the State Government with regards their claim for seniority, consequent upon the order now passed by us treating their services to have been regularized w.e.f. 01.10.1990. On any such representation being made, the Government of Uttarakhand shall, after giving all those affected a reasonable opportunity of being heard, take a decision, regarding revision of the seniority list, in accordance with law. We make it clear that we have not expressed any opinion on the petitioners’ claim of seniority, over and above the private respondents/intervenors with effect from 1.10.1990.”

7. The Director, Secondary Education sought directions from the Secretary, Education towards the compliance of the said order or to challenge the said order in a SLP and the Secretary, Education, vide its order dated 23.07.2019 on the basis of opinion given by the Law



Department and Personnel Department, asked the Director, Education to comply with the order dated 03.01.2019 passed in WPSS No.1008/2014. Consequently, the Director, Secondary Education passed an order on 17.08.2019 by which the Additional Director, Kumaun Mandal, Nainital and Garhwal Mandal, Dehradun were directed to comply with the order dated 03.01.2019 and to regularize the services of the petitioners in the said writ petition, who were working as Assistant Teacher (L.T. Grade) and Lecturers w.e.f. 01.10.1990 and to fix their seniority accordingly. As the proceedings to provide benefit of regularization to the Lecturers from 01.10.1990 was to be undertaken at the Directorate level, as such the Additional Director, Kumaun Mandal and Garhwal Mandal were directed to send the list of Lecturers appointed on *ad hoc* basis prior to 01.10.1990, whose services were regularized at a later stage. The Additional Director, Secondary Education, Kumaun Mandal and Garhwal Mandal, Pauri, vide orders dated 30.08.2019 and 31.08.2019, respectively passed an order by which the services of the petitioners in the said writ petition who were working as Assistant Teacher (L.T. Grade) were regularized w.e.f 01.10.1990. Vide order dated 11.09.2019 the Additional Director, Secondary Education at Directorate of Education issued the regularization orders of Lecturers



regularizing their services w.e.f. 01.10.1990. On 18.09.2019, a seniority list of Lecturers was issued by the Directorate of Education by which the seniority of the Lecturers, whose services were regularized on 11.09.2019, were given the seniority w.e.f. 01.10.1990 i.e. from the date of their regularization. Thereafter, vide order dated 20.09.2019 the Director, Secondary Education, published the seniority list of Assistant Teachers as per the date of regularization i.e. 01.10.1990.

8. Assailing the seniority list issued by the official respondents, a Writ Petition No.430/2019 "*Prem Lata Baudai vs. State of Uttarakhand*" was filed, which was dismissed as withdrawn on 13.09.2019 with a liberty to file the claim petition before the Tribunal. A Claim Petition No.41/NB/DB/2019 was filed by Smt. Prem Lata Baudai assailing the regularization order dated 13.01.2012 issued in favour of Bhuwan Chandra Kandpal. Apart from that, the order dated 23.7.2019 passed by Secretary, Education, directing the Director, Education to comply with the order dated 03.01.2019 passed in WPSS No.1008/2014 was also put to challenge. Further, the order dated 17.08.2019 passed by the Directorate of Education directing the Additional Director, Kumaun Mandal and Garhwal Mandal to comply with the orders in writ petition and the



consequential order of grant of seniority to Assistant Teachers (L.T. Grade) and Lecturers w.e.f. 01.10.1990 passed by the Education authorities on 30.08.2019, 31.08.2019 and 11.09.2019 were also assailed. The prayers made in the said claim petition are as follows:-

“(i) To set-aside/quash the impugned order dated order dated 13.01.2012 which is regularization order of the respondent No. 77 (Annexure No. 1 of the claim petition) and the observation made in para 2 of the order dated 23.07.2019 (Annexure No. 2 of the claim petition) passed by the respondent no. 1 and order dated 17.08.2019 passed by respondent no. 3 (Annexure No. 3 of the claim petition) and order passed by the respondent No. 5 dated 30.08.2019 (Annexure No. 4 of the claim petition) and order passed by the respondent No. 4 dated 31.08.2019 (Annexure No. 5 of the claim petition) and order dated 11.09.2019 passed by the respondent No. 2 (Annexure No. 6 of the claim petition), those are outcome of regularization order dated 13.01.2012 (Annexure No. 1 of the claim petition).

(ii) To direct the respondent no. 1, 2 & 3 restraining them to not give the seniority to the private respondents since 01.10.1990 taking into account the latest judgment of Hon'ble Apex Court dated 14.08.201-9 arising out of SLP No. 20990 of 2017 "Kumari C Yamini Vs. State of Andhra Pradesh and others" (Annexure No. 10 of the claim petition)

(iii) To direct the respondent no. 1, 2, 3, 4 and 5 to constitute a committee and provide the opportunity of hearing to all effected petitioners and likewise other there working in the various GIC of Uttarakhand in the tune of para 29 of the order dated 03.01.2019 passed by Hon'ble High Court in the case of "Trivikram Singh Kunwar and others Vs. State of Uttarakhand and other".

(iv) To direct the respondent no. 1, 2, 3, 4 & 5 to keep abeyance the effect and operation of orders dated 23.07.2019,



17.08.2019, 30.08.2019, 31.08.2019 and 11.09.2019 passed by the respondents (Annexure Nos. 2, 3, 4, 5 & 6 of the claim petition) which has been arbitrarily passed ignoring the order of the Hon'ble High Court dated 03.01.2019 without giving the opportunity of hearing to applicants and likewise other effected persons.

(v) To direct the respondent no. 1, 2 and 3 to not fix the seniority since 01.10.1990 to the. private respondents, who have not completed 03 years' service as an ad-hoc teacher, which will be in contravention of existing rules framed under Article 309 of the Constitution of India for regularization annexed here as Government Order dated 26.12.2001 Annexure No. 15 of the claim petition) and, regularization rules 1979 and its extension till 1989 and regularization rules dated 05.07.2002 and 07.08.2002.

(vi) To direct the respondent Nos. 1, 2, 3, 4 & 5 to provide opportunity of hearing, before passing any adverse order by which the present position of the petitioners and likewise other teachers, will be effected.

(vii) To pass any other suitable order as this Hon'ble Tribunal may deem fit and proper under the facts and circumstances of the case.

(viii) 'To award the cost of the petition in favour of the applicants.'

9. Thereafter, a Claim Petition No.52/NB/DB/2019 “Smt. Prem Lata Baudai and others vs. State of Uttarakhand and others” was filed before the Tribunal with a prayer to quash the seniority list issued on 18.09.2019 and 20.09.2019 and not to give effect to the service benefit to the private respondents as per the seniority list without providing an opportunity of hearing in view of para-29 of



judgment dated 03.01.2019 passed in WPSS No.1008/2014. The prayers made in the said claim petition are as under:-

(i) To set aside/quash the seniority lists vide Order No./Seniority/758/Lecturer/19 (2-3)-01/2019-20 dated 18.09.2019 and Order No./Seniority/788/L.T./19 (4-5)-01/2019-20 dated 20.09.2019 passed by the respondent No. 2 (Annexure No. 1 & 2 of the claim petition).

(ii) To direct the respondent no. 1, 2 & 3 restraining them to not give the effect in service benefits of private respondents as per seniority lists dated 18.09.2019 and 20.09.2019 passed by the respondent No. 2, without hearing to the affected teachers as per para 29 of judgment dated 03.01.2019 passed in Writ Petition No. 1008 (S/S) of 2014 Trivikram Singh Kunwar & others Vs. State & others (Annexure No. 3 of the claim petition), and complete the proceeding following the provision of Section 74 of the Uttar Pradesh Reorganization Act, 2000.

(iii) To direct the respondent no. 1, 2, 3, 4 and 5 to constitute a committee and provide the opportunity of hearing to all affected petitioners and likewise other teachers working in the various GIC of Uttarakhand in the tune of para 29 of the order dated 03.01.2019 passed by Hon'ble High Court in the case of "Trivikram Singh Kunwar and others Vs. State of Uttarakhand and others" and restrained the respondents to provide the benefit of length of service counting as ad-hoc period for the length of seniority, in the light of latest judgment of Hon'ble Apex Court dated 14.08.2019 arising out of SLP No. 20990 of 2017 "Kumari C., Yamini Vs. State of Andhra Pradesh and others" (Annexure No. 9 of the claim petition).

(iv) To direct the respondent no. 1, 2, 3, 4 & 5 to keep in abeyance the effect and operation of vide lists seniority Order No. /Seniority/758/Lecturer/19 (2-3)-01/2019-20 dated 18.09.2019 and Order No. /Seniority/788/L.T./19 (4-5)-01/2019-20 dated 20.09.2019 passed by the respondent No. 2 (Annexure Nos. 1 & 2 of the claim petition), restraining them to not pass any adverse order against the petitioners and likewise other affected teachers like reversion, on feeding post



and reduction-in-rank rank and reduction in pay scale etc, which has been arbitrarily passed ignoring the order of the Hon'ble High Court dated 03.01.2019 without giving the opportunity of hearing to applicants and likewise other affected persons.

(v) To direct the respondent no. 1, 2 and 3 to not fix the seniority since 01.10.1990 to the private not respondents, who have completed 03 years' service as an ad-hoc teacher, which will be in contravention of existing rules framed under Article 309 of the Constitution of India for regularization rules 1979, and its extension till 1989 and regularization rules dated 05.07.2002 and 07.08.2002.

(vi) To direct the respondent Nos. 1, 2, 3, 4 & 5 to provide opportunity of hearing before passing any adverse order by which the present position of the petitioners and likewise other teachers, will be effected.

(vii) To pass any other suitable order as this Hon'ble Tribunal may deem fit and proper under the facts and circumstances of the case.

(viii) To award the cost of the petition in favour of the applicants."

10. An interim order dated 16.10.2019 was passed by the Tribunal in the Claim Petition, which reads as follows:-

"We find that above finding about fixation of seniority as per the date of regularization recording in the order dated 30.08.2019, is not in consonance with the orders passed by the Hon'ble High Court, because before deciding the seniority, reasonable opportunity of hearing was not given to the affected concerned parties. Obviously the petitioners are affected parties.

Hence, in such circumstances, till the next date of hearing the respondents are restrained from relying upon the above part of order dated 30.08.2019, and they are also directed not to act upon this part of above order for deciding



the seniority from amended date, without hearing the petitioners.”

11. In purported compliance of the order passed by the Tribunal and the order dated 03.01.2019 passed in WPSS No.1008 of 2014, a notice dated 16.05.2020 was published in daily newspaper inviting objections from the affected teachers against the fixation of seniority of Assistant Teachers (L.T. Grade) and Lecturers w.e.f. 01.10.1990. The seniority list issued in the month of September, 2019 was kept in abeyance by the Department. Vide order dated 13.07.2021, Secretary Education rejected the claim of the teachers, whose services were regularized w.e.f. 01.10.1990 and denied to provide them seniority on the basis of date of their regularization. Vide order dated 23.07.2021, promotion orders were issued granting promotion to the Lecturers on the post of Principal on the basis of earlier seniority list issued prior to the seniority list finalized in September, 2019. The said orders dated 13.07.2021 and 23.07.2021 were challenged in Claim Petition Nos.59/NB/DB/2021, 62/NB/DB/2021 and 3/NB/DB/2022. In Claim Petition Nos.54/NB/DB/2021, 61/NB/DB/2021 and 86/NB/DB/2021, the order dated 13.07.2021 was put to challenge.



12. The Tribunal categorized two set of claim petitions. Petitioners of Claim Petition No.41/NB/DB/2019 and Claim Petition No.52/NB/DB/2019, challenging the appointment of Bhuwan Chandra Kandpal, orders issued by Departmental authorities providing benefit of regularization and seniority to adhoc Assistant Teachers (L.T. Grade) and Lecturers w.e.f. 01.10.1990 and the seniority list issued in their favour, as second set of Lecturers/Assistant Teachers (L.T. Grade) and Claim Petition No.54/NB/DB/2021 and other claim petitions filed in the year 2021, and Claim Petition No.03/NB/DB/2022, challenging the order issued on 13.07.2021 and 23.07.2021, as first set of Assistant Teachers.

13. The Tribunal, on hearing the parties at length, decided the claim petitions by observing that the State Government shall re-fix the seniority in view of judgment passed by the Court in the case of Bhuwan Chandra Kandpal and other connected matters. The operative portion of the order dated 21.04.2022 passed by the Tribunal reads as follows:-

“23. In view of the above, the G.O. dated 13.07.2021 (Annexure No. 1 to the Claim Petition No. 59/NB/DB/2021) is not in accordance with law and is hereby set aside. The respondent State is required to consider the issue of fixation of inter-se seniority after getting rid of its earlier prejudices like treating the date of adhoc appointment to be 01.10.1990, 20



regularization to be done in 1999 etc. and take a well-considered justified decision in accordance with law after verifying the averments made in para 21 of the claim petition No. 59/NB/DB/2021 and keeping in view our observations made above and clearly decide from which date(s) seniority is to be given to the teachers of the First Set. The Govt. in the Secondary Education Department may complete this exercise in consultation with the Law Department and Personnel Department, within a period of three months henceforth. Till the time such exercise is completed, the promotions made vide Directorate's order no. 235 dated 23.07.2021 (Annexure No. 2 to the claim petition no. 59/NB/DB/2021) shall remain in abeyance and no further promotions of the Lecturers/Assistant Teachers (L.T. Grade) regularized/appointed on 01.10.1990 and afterwards shall be made."

14. The aforesaid order dated 21.04.2022 has been put to challenge by the State Government and the private teachers in these bunch of writ petitions.

15. In the present matter, a Coordinate Bench of this Court, on 13.11.2025, took into consideration the submission made by the learned C.S.C. that all such persons who were appointed as Assistant Teachers (LT Grade)/Lecturers prior to 01.10.1990, their seniority would be counted from the date of appointment i.e. 01.10.1990. The said order dated 13.11.2025 reads as under:-

"11. Learned Chief Standing Counsel submits that all such persons, who were appointed as Assistant Teachers (LT) Grade/ Lecturers, their seniority would be counted from the date of appointment, i.e. 01.10.1990.

12. The submission is placed on record.



13. In that view, the issue regarding the seniority of persons appointed on 01.10.1990 shall be counted from 01.10.1990 in terms of the earlier judgment of the learned Single Judge, affirmed by the Division Bench and further affirmed by the Hon'ble Apex Court in Civil Appeal No(s).3396 of 2006.

14. Compliance within two weeks."

16. An affidavit of compliance has been filed by the Director In-charge on 29.04.2026, whereby the seniority list issued by the Additional Director, Kumaun and Garhwal Mandal dated 26.11.2025 and 27.11.2025 of Assistant Teachers (L.T. Grade) is placed on record. The seniority list issued by the Director, Secondary Education of the Lecturers on 26.11.2025 is also placed on record. In the said affidavit, the following submissions have been made:-

"3. That in the present matter, the Hon'ble Court vide common order dated 06.04.2026 passed in the present Writ Petition with connected batch of Writ Petitions, was pleased to pass the following directions:-

"10. Learned Standing Counsel seeks further time to file affidavit on behalf of State Government clarifying whether the seniority has been given to teachers appointed before 01.10.1990 extending the benefit of the law laid down in Special Appeal No. 28 of 2005, State of Uttarakhand Vs Bhuwan Chandra Kandpal, also upheld by the Supreme Court in Civil Appeal No. 3396 of 2006 and, in case, the benefit has been given, to demonstrate the same by bringing on record the seniority list."

4. That in compliance of the direction of the Hon'ble Court passed vide order dated 06.04.2026 in the present Writ Petition with connected batch of matters, the answering respondent department is filing the seniority list(s) of Assistant Teachers (L.T. Grade) and Lecturers [appointed on ad hoc



basis prior to 01.10.1990] after regularizing their services from 01.10.1990 and giving them seniority from 01.10.1990 itself, in the Secondary Education department of the State, as under.

5. That it is respectfully submitted that in compliance of the judgment and order passed by the Hon'ble Court in Special Appeal No. 28 of 2005 'State of Uttarakhand Vs. Bhuwan Chandra Kandpal', which was also affirmed by the Hon'ble Supreme Court in Civil Appeal No. 3396 of 2006, taking in account the ad hoc services rendered by Mr. Bhuwan Chandra Kandpal in L.T. Grade, the benefit of seniority was provided to him w.e.f. 01.10.1990, vide office order dated 13.01.2012 issued by the Office of the Director, School Education (Secondary), Uttarakhand, Dehradun. True photocopy/ correct typed version of the office order dated 13.01.2012 is annexed as ANNEXURE NO. 1 to this affidavit.

6. That it is further submitted that in compliance of the order dated 13.11.2025 passed by the Hon'ble Court in the present Writ Petition along with connected batch of Writ Petitions, and the directions issued from the level of the Government vide letter dated 24.11.2025 and at the level of the Directorate dated 24.11.2025, the Office of the Additional Director, Secondary Education, Garhwal Division, Pauri [who is the appointing authority of Assistant Teachers (L.T. Grade) in Garhwal Division] vide office order dated 26.11.2025 passed the order of amending the date of regularisation and seniority of the Assistant Teachers (L.T. Grade) [appointed on ad hoc basis prior to 01.10.1990] after regularizing their services from 01.10.1990 and giving them seniority from 01.10.1990 itself. In Garhwal Division, the services of total 268 Assistant Teachers (L.T. Grade) [under (1)-General Category-224 and under (2)-Women Category 44] have been regularised w.e.f. 01.10.1990, and accordingly they have been provided seniority w.e.f. 01.10.1990. True photocopy/ correct typed version of the amended seniority list issued by the Office of the Additional Director, Secondary Education, Garhwal Division, Pauri vide office memo dated 26.11.2025 is annexed as ANNEXURE NO. 2 to this affidavit.



7. That similarly the Office of the Additional Director, Secondary Education, Kumaon Division, Nainital [who is the appointing authority of Assistant Teachers (L.T. Grade) in Kumaon Division] vide office order dated 27.11.2025 passed the order of amending the date of regularisation and seniority of the Assistant Teachers (L.T. Grade) [appointed on ad hoc basis prior to 01.10.1990] after regularizing their services from 01.10.1990 and giving them seniority from 01.10.1990 itself. In Kumaon Division, Nainital, the services of total 259 Assistant Teachers (L.T. Grade) [under (1)-General Category-186 and under (2)-Women Category 73] have been regularised w.e.f. 01.10.1990, and accordingly they have been provided seniority w.e.f. 01.10.1990. True photocopy/ correct typed version of the amended seniority list issued by the Office of the Additional Director, Secondary Education, Kumaon Division, Nainital vide office order dated 27.11.2025 is annexed as ANNEXURE NO. 3 to this affidavit.

8. That similarly the Office of the Director, Secondary Education, Uttarakhand, Dehradun vide office order dated 26.11.2025 passed the order of amending the date of regularisation and seniority of the Lecturers (Secondary Education) [appointed on ad hoc basis prior to 01.10.1990] after regularizing their services from 01.10.1990 and giving them seniority from 01.10.1990 itself. It is relevant to mention here that in the entire State of Uttarakhand, the services of total 418 Lecturers (Secondary Education) [under (1)-General Category-370 and under (2)-Women Category 48] have been regularised w.e.f. 01.10.1990, and accordingly they have been provided seniority w.e.f. 01.10.1990. True photocopy/ correct typed version of the amended seniority list of Lecturers (Secondary Education) issued by the Office of the Director, Secondary Education, Uttarakhand, Dehradun vide office order dated 26.11.2025 is annexed as Annexure No.4 to this affidavit.

9. That in view of the facts mentioned above, the directions of the Hon'ble Court passed vide the order dated 13.11.2025 in the present Writ Petition along with connected batch of Writ Petitions, have been complied with at the level of the respondent department, and the date of regularisation and



seniority of the Assistant Teachers (L.T. Grade) and Lecturers has been revised w.e.f. 01.10.1990.”

17. Learned counsel for the State, thus, submits that the order passed by the Tribunal has been complied with and nothing survives in the writ petition filed by the State against the impugned order.

18. The said submission made by learned Standing Counsel, is placed on record.

19. Learned counsel for the petitioner in WPSB No.362 of 2022, however, submits that the G.O. Dated 21.11.1995 cannot override the provisions of the Regularization Rules and the said aspect has not been considered by the Court in the case of Bhuwan Chandra Kandpal or in the writ petitions filed thereafter. As such the services of the Assistant Teachers (L.T. Grade) and Lecturers were not liable to be regularized w.e.f. 01.10.1990 and they are also not liable to be provided seniority w.e.f. from the said date.

20. A perusal of the record reveals that the G.O. dated 21.11.1995 was put to challenge in WPSS No.542/2013 and prior to that a similar prayer was made in WPSS No.199 of 2013 whereby the regularization of Bhuwan Chandra Kandpal w.e.f. 01.10.1990 was put to



challenge. The Court in WPSS 542 of 2013 which was decided on 16.11.2018 held as under:-

“1) By means of present writ petition, petitioners seek following prayers, among others:

“(i) Issue a writ or direction declaring the G.O. No.3179- 15-2-75-27 (40/93) dated 21.11.1995 (Annexure 1 to the writ petition) issued by the Special Secretary of U.P. Govt. as being illegal, unconstitutional, arbitrary, contrary to statutory rules and violative of the fundamental right of the petitioners. (ii) Issue a writ, order or direction in the nature of mandamus commanding the State and its officers not to give effect to any provision of G.O. dated 21.11.1995 . (iii) Issue writ, order or direction in the nature of mandamus directing the respondents not to disturb settled seniority list and consider the promotion of the petitioners ignoring the provision of G.O. dated 21.11.1995.”

2) Brief facts of the case are that the petitioners are direct recruits Lecturers appointed in various G.G.I.C. and selected by the U.P. Subordinate Service Selection Commission in the year 1996 pursuant to the advertisement published in the year 1994. These Lecturers were to be placed over and above the adhoc regularized Lecturers. In the meanwhile, the Government vide G.O. dated 21.11.1995 regularized the services of adhoc Lecturers, who were appointed prior to 01.10.1990.

3) Before proceeding further, it needs to be mentioned here that some similarly situated persons filed a writ petition before this Court as being Writ Petition No.199 of 2013 (S/S), titled as, Dr. Atul Kumar Srivastava & others vs. State of Uttarakhand & others, which was dismissed by the coordinate bench of this Court, vide order dated 19.07.2016. Feeling aggrieved by this order, two Special Appeal Nos.207/2015 (Dr. Atul Kumar Srivastava vs. Rajeev Kala) and 402/2015 (State of Uttarakhand vs. Rajeev Kala) had been preferred before the Division Bench of this Court. This Court has been informed by learned counsel for the parties that the Division Bench of this Court had dismissed the said special appeals, vide order dated 26.10.2018.



4) Earlier, Bhuwan Chandra Kandpal (respondent no.4 herein) filed a writ petition No.162 of 2002 (S/B) before this Court way back in the year 2002 with a prayer to direct the respondent authority to treat his services regularized in L.T. grade w.e.f. 01.10.1990. Vide judgment dated 28.10.2004 passed in WPSB No.162 of 2002, learned coordinate bench of this Court allowed the petition of Bhuwan Chandra Kandpal (respondent no.4 herein) and directed the authority to grant him the benefit of G.O. dated 21.11.1995, which is under challenge in the present writ petition. The question before the learned Single Judge was as to whether Bhuwan Chandra Kandpal was liable to get his seniority from the date of his adhoc appointment or from a later date. Learned Single Judge held that petitioner (Bhuwan Chandra Kandpal) was liable to be regularized w.e.f. 01.10.1990. The said judgment dated 28.10.2004 was challenged by the State Government before the Division Bench of this Court in Special Appeal No.28 of 2005 (State of Uttarakhand vs. Bhuwan Chandra Kandpal), which was dismissed, vide order dated 23.02.2006. Feeling aggrieved, the State Government had preferred a Civil Appeal No.3396 of 2006 before the Hon'ble Supreme Court. The said civil appeal was also dismissed, vide order dated 20.04.2011, which reads as follows: "Head Sri S. S. Sham Sherry, learned counsel for the appellants. Upon perusal of the Government Order No.3179/15-2-95-27(40)-93 dated November 21, 1995, we are of the view that the Single Judge of the High Court took the correct view in directing that the services of the respondents be treated to have been regularized in L.T. Grade w.e.f. October 1, 1990. The dismissal of the Special Appeal by the Division Bench, therefore, cannot be faulted. The appeal has no merit and is dismissed with no order as to costs."

5) The order, by which the benefit was granted to Bhuwan Chandra Kandpal (respondent no.4 herein), has been upheld by Hon'ble Supreme Court way back in 2006. The matter has attained its finality from Hon'ble Apex Court and it is a well settled law that when a higher court has rendered a particular decision, the said decision must be followed by a subordinate or lower court unless it is distinguished or overruled or set aside. In view of above, this Court finds that the controversy involved in the matter has already been set at rest.



6) Besides this, the writ petition is liable to be dismissed on the ground of delay and laches, in as much as the vacancy was advertised in the year 1994, the petitioners were appointed in the year 1996 and the Government Order, which is under challenge, was issued in the year 1995 and after a lapse of about 17 years, present petition has been filed in the year 2013.”

21. Moreover, a Coordinate Bench of this Court in WPSS No.1008 of 2014 has held that the judgment in the case of Bhuwan Chandra Kanpdal is a judgment *in rem* and the benefit was provided to the Assistant Teachers and Lecturers, who were similarly situated like Bhuwan Chandra Kanpdal. The Hon’ble Apex Court in Civil Appeal No.3396/2006, which was filed against the judgment in the case of Bhuwan Chandra Kanpdal, had also considered the G.O. dated 21.11.1995 and in its order dated 20.04.2011 has held as under:-

“Heard Mr. S.S. Sham Sherry, learned counsel for the appellants. Upon perusal of the Government Order No.179/15-2-95-27(40)-93 dated November 21, 1995, we are of the view that the Single Judge of the High Court took the correct view in directing that the services of the respondents be treated to have been regularized in L.T. Grade w.e.f. October 1, 1990. The dismissal of the Special Appeal by the Division Bench, therefore, cannot be faulted.

The appeal has no merit and is dismissed with no order as to costs.”

22. Thus the submission made by the learned counsel for the petitioner in respect of G.O. dated



21.11.1995 and the regularization of Bhuwan Chandra Kandpal and similarly situated employees w.e.f. 01.10.1990 and granting them the seniority from the said date cannot be reconsidered and the said issue cannot be reopened now.

23. The Tribunal had directed the State Government to consider the issue of fixation of *inter-se* seniority and as the same has been done vide order dated 26.11.2025 and 27.11.2025 and the seniority of the Assistant Teachers (L.T. Grade) and Lecturers appointed prior to 01.10.1990 has been fixed from the date of their regularization as such the challenge thrown to the impugned order does not survive. Consequently, the writ petitions fail and the same are hereby dismissed.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

07.07.2026

Rajni