IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Special Appeal No. 229 of 2020

Rakesh Kumar .....Appellant

Vs.

H.N. B. Garhwal University and another .....Respondents

Shri Shailendra Nauriyal, learned counsel for the appellant.
Shri Paresh Tripathi, learned counsel for respondent nos. 1 and 2 2/University.

4th November, 2020

Coram: Hon'ble Ravi Malimath, A.C.J.
Hon'ble Ravindra Maithani, J.

Ravi Malimath, A.C.J.(Oral)

Aggrieved by the order dated 13.07.2020, passed by the learned Single Judge in dismissing the writ petition, the writ petitioner is in appeal.

2. The plea of the appellant-writ petitioner is that the first prayer made by him has not been considered. The writ petition has been dismissed on various other grounds. Hence, the appeal requires to be allowed. The same is disputed by Shri Paresh Tripathi, learned counsel appearing for respondent nos. 1 and 2. He contends that the learned Single Judge has considered every aspect of the matter and hence, no interference is called for.

3. On hearing learned counsels, we are of the considered view that an appropriate interference is called for. The first prayer is for a writ, order or direction in the nature of mandamus directing the respondents to consider the petitioner for promotion to Class-III post etc.

4. On considering the contentions, we are of the considered view that the respondents could have considered the case of the appellant. Whether the appellant is entitled for promotion or not, whether he gets any relief or not is a matter, which is exclusively within the domain of the respondents. It is suffice to order the respondents to consider the case of the appellant.

5. Learned counsel for the appellant is satisfied if the respondents are directed to do so. Hence, respondent/University is directed to consider the case of the appellant for promotion in accordance with law, as expeditiously as possible.

6. The appeal is disposed-off accordingly.

(Ravindra Maithani, J.)
04.11.2020

(Ravi Malimath)
A.C.J.
04.11.2020

J.M.