



**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR**

AND

THE HON'BLE JUSTICE MR. ALOK MAHRA

Writ Petition Service Bench No. 332 of 2025

13th August, 2025

Mayank Kumar Jamini

.....Petitioner

Versus

State Of Uttarakhand and Others

.....Respondents

Presence:-

Mr. Bhagwat Mehra, Advocate for the petitioner.

Mr. P.C. Bisht, learned Addl. C.S.C. for the State.

JUDGMENT : (per ALOK MAHRA, J.)

The present petition under Article 226 of the Constitution of India has been filed by the petitioner for the following reliefs:

- (i) *To issue a writ, order or direction in the nature of mandamus declaring the action of the respondents in the matter is not regularizing the services of the petitioner despite serving on contract basis for a period of 15 years, after due selection, as arbitrary and illegal.*
- (ii) *To issue a writ order or direction in the nature of certiorari to call for the record and for quashing the impugned Notification/Advertisement dated 14.07.2025 issued by respondent no.3 (Annexure No.23 to this writ petition), in so far as it relates to 01 post of Assistant Professor (Nursing), Government Nursing College, on which the petitioner is working for the last 15 years on contract basis, after due selection*
- (iii) *To issue a writ order or direction in the nature of*



2025:UHC:7153-DB

mandamus commanding the respondents, particularly, respondent no.1 and 2 to consider and regularize the service of the petitioner on the post of Assistant Professor (Nursing), Government Nursing College.

- (iv) *To issue a writ order or direction in the nature of mandamus commanding the respondent no.1 and 2 to grant all consequential benefits.*

2. Briefly stated, the facts of the case are that the petitioner, having completed his Intermediate qualification in the Science stream from a recognized State Board, thereafter secured admission in the B.Sc. Nursing course through the State Level Entrance Examination. He successfully completed the said course in the year 2006 from a duly established and recognized University. Thereafter, the petitioner was registered with the Karnataka State Nursing Council, Bengaluru; that, Subsequently, the petitioner pursued and successfully completed a two-year postgraduate course in the same discipline, i.e., Master of Science in Nursing, from the Rajiv Gandhi University of Health Sciences, Bengaluru, in the year 2009. His higher qualification was also duly registered with the Karnataka State Nursing Council vide certificate dated 02.12.2009. The petitioner is presently registered with the Uttarakhand Nurses and Midwives Council since 26.06.2014. Pursuant to the creation of the State College of Nursing, Dehradun, the Government



sanctioned various teaching posts, including that of Lecturer, to be filled on a contract basis under G.O. dated 24.06.2010. The petitioner, being fully qualified, applied, was selected, and was appointed as Lecturer on 26.07.2010 on a consolidated salary of ₹32,000/- per month, with initial tenure of two years, extendable by three years. His services have been continuously extended for the last 15 years, with only artificial breaks of one or two days. The post of Lecturer has since been re-designated as Assistant Professor. petitioner is aggrieved by the impugned advertisement dated 14.07.2025 issued by respondent no.3, advertising 16 posts of Assistant Professor (Nursing), which includes the very post he has been occupying since 2010.

3. Learned counsel for the petitioner would submit that the petitioner was fully eligible for the post of Lecturer and applied within the stipulated time. He successfully participated in the selection process and, having performed meritoriously, was declared successful and vide order dated 17/26.07.2010, issued by the Director General, Medical Health and Family Welfare, Uttarakhand, he was appointed as Lecturer in the State College of Nursing, Dehradun, on a contractual basis with a fixed consolidated salary of ₹32,000/- per month; that,



the appointment of the petitioner was initially for two years, including a one-year probation period, and was extendable for a further three years and in the appointment order the conditions of service were substantially similar to those of a regular appointment. The petitioner joined immediately and has been serving continuously for the last approximately 15 years with an unblemished service record. His appointment was periodically extended through various government orders, with only artificial breaks of one or two days given in between.

4. It is further submitted that the nature of the petitioner's work is perennial, and the services rendered by him are continuously required by the department, as evidenced by his uninterrupted engagement for over a decade. Similarly situated persons have been regularized in the past; however, the petitioner has neither been regularized nor paid the minimum of the pay scale, in violation of the principle of equal pay for equal work.

5. Learned counsel for the petitioner further points out that in 2018, the petitioner, along with two others, filed Writ Petition (S/B) No. 247 of 2018 seeking regularization of their services. This Court, vide interim order dated 19.06.2018, directed that no appointment be



made on the posts occupied by the petitioners. Another writ petition, WPSB No. 616 of 2018, challenging the Regularization Rules, 2013, was filed, and this Court, by order dated 04.12.2018, stayed the operation of the said Rules. The matter was finally disposed of on 23.09.2020 with the observation that, since the Regularization Rules, 2013 stood stayed, there were no rules in force and the relief of regularization could not be granted at that time. However, it was directed that the petitioners' services be continued until regular appointments were made

6. Learned counsel for the petitioner would further submit that on 01.05.2021, respondent no. 3 issued an advertisement inviting applications for 13 posts of Assistant Professor in Government Nursing Colleges; that, no weightage or bonus marks were provided for candidates already serving in the department, nor was any age relaxation granted. The petitioner and others filed WPSB No. 185 of 2021 seeking the benefit of the Relaxation Rules, 2018, but the petition was dismissed at the admission stage on the ground that the said Rules did not apply to them. Despite multiple representations for regularization, no action was taken by the respondent department; that, on 03.04.2025, the petitioner's contractual engagement was extended until 28.02.2026.



7. Learned counsel for the petitioner would further submit that at the relevant time, as per Indian Nursing Council norms, the qualification for Lecturer required a Master's degree in Nursing along with three years' experience. The petitioner indisputably met these criteria. While the nomenclature of posts was later changed from Lecturer, Reader, and Professor to Assistant Professor, Associate Professor, and Professor respectively, the petitioner has been serving as Lecturer/Assistant Professor since 26.07.2010, therefore, the petitioner now challenges the impugned advertisement dated 14.07.2025, whereby respondent no. 2, through respondent no. 3, has advertised posts including the one he presently occupies. This, it is contended, has been done with the intent to circumvent his legitimate claim for regularization and is contrary to this Court's judgment dated 22.02.2024 in WPSB No. 616 of 2018 (Narendra Singh v. State of Uttarakhand & Others).

8. Learned counsel for the petitioner would further submit that despite the petitioner's case being under active consideration for regularization under the Regularization Rules, 2013 and in terms of the aforesaid judgment, respondent no. 3 has proceeded to issue the impugned advertisement. The upper age limit under the



advertisement is 42 years as on 01.07.2025, whereas the petitioner crossed this limit in 2023, rendering him ineligible to apply. The advertisement was subsequently amended on 15.07.2025 concerning the experience requirement.

9. Learned counsel for the petitioner also submits that the State Government, in view of the Hon'ble Chief Minister's announcement and Cabinet decision dated 02.06.2025, has constituted a seven-member high-powered committee vide office memorandum dated 21.07.2025 for regularization of contractual and outsourced employees, including those appointed through UPNL. However, although similarly situated employees in the department have been considered, the petitioner and one other person appointed in 2010 have been left out.

10. Learned counsel for the petitioner contends that the respondents' failure to regularize his services in the face of the Regularization Rules, 2013 and this Court's judgment dated 22.02.2024, while simultaneously initiating recruitment for the same post through direct recruitment, is arbitrary and illegal. It is prayed that the respondents be restrained from filling the post of Assistant Professor (Nursing) presently occupied by the petitioner, pending a decision on his regularization.



11. *Per contra*, learned State counsel would submit that the advertisement was issued strictly in accordance with the applicable recruitment rules. However, he admits that the State Government has constituted a seven-member committee for considering the regularization of contractual and outsourced employees in light of the Chief Minister's announcement.

12. Heard learned counsel for the parties and perused the record.

13. It is an admitted position that the petitioner has been continuously serving for the past 15 years on the post of Lecturer (now re-designated as Assistant Professor), pursuant to due selection and against a sanctioned post. His engagement has been periodically extended, with only nominal breaks of one or two days. It is also undisputed that the impugned advertisement dated 14.07.2025 includes the very post occupied by the petitioner. The State Government has already set up a high-level committee to frame rules for regularization.

14. In the above facts and circumstances, the writ petition is disposed of with the direction that two posts corresponding to the petitioner and one similarly situated person appointed in 2010, shall be kept vacant, pursuant to the impugned advertisement. However, liberty is given



2025:UHC:7153-DB

to the respondent to fill up the remaining advertised posts as per applicable Rules.

15. It is hoped and required that the High-Power Committee shall frame the Regularization Rules within a period of six months. The respondent/competent authority is further directed to consider the petitioner's case for regularization after such rules are framed. Till the petitioner's case is considered and a decision is taken thereon, the petitioner shall continue to work on his present post and shall be paid remuneration as per the existing terms.

16. Pending applications, if any, stand disposed of accordingly.

(G. NARENDAR, C. J.)

(ALOK MAHRA, J.)

Dated: 13.08.2025
Mamta