HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No. 1254 of 2020

31 October, 2026

Jeevan Chandra Bhatt --Petitioner

Versus

State Of Uttarakhand
2: Director Elementary Education Nanoorkhera Distt Dehradun
3: District Education Officer (elementary Education) U. S. Nagar --Respondent

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Presence:-
Ms. Devika Tiwari, learned counsel with Mr. Jagat Singh Mehra, learned counsel for the petitioner.
Mr. Narain Dutt, learned Standing Counsel for the State.

(Rakesh Thapliyal, J.)

1. The petitioner was initially inducted as an Assistant Teacher in Government Primary School, and, thereafter, he was promoted to the post of Assistant Teacher in Government Senior Basic School in the year 2010 as per the existing Rules. Thereafter, the existing Rules were amended in the year 2013.

2. Learned counsel for the petitioner submits that since the post of Assistant Teacher in Senior Basic School is equivalent to the post of Head-Master/Head-Mistress of Junior Basic School, consequently, those who were promoted to the post of Assistant Teacher in Senior Basic School were repatriated to their parent institution by giving posting to the post of Head-Master/Head-Mistress.

3. Learned counsel for the petitioner submits that earlier petitioner filed a writ petition taking all these pleas that the manner in which other incumbents have been repatriated to their parent department by giving posting to the post of Head-Master/Head-Mistress he may also be given the equal treatment. She submits that the writ petition was disposed of finally with a liberty to the petitioner to make a representation, however, by the order impugned the petitioner's representation has been rejected on the ground that the petitioner was promoted to the post of Assistant Teacher, Senior Basic School on the basis of his option, therefore, his cadre cannot be changed.

4. The aforesaid order has been assailed in this petition by submitting that while rejecting the petitioner's representation the Authority concerned have not considered the impact of Amended Rules of 2013 whereby the provisions with regard to the promotion on the basis of the options was repealed, and, furthermore, this aspect has also not been dealt with that the similarly situated incumbent were repatriated to their parent department by giving posting to the post of Head-Master/ Head Mistress.

5. Learned counsel for the petitioner argued that one of the similarly situated incumbent, namely, Mrs. Subodhini Joshi filed a petition before this Court i.e. WPSS No. 914 of 2006 which was disposed of by the Coordinate Bench on 26.03.2010 whereby the liberty was given to make a representation and in compliance thereto

the Authority decided her representation and posted her to the post of Head-Mistress in Junior Basic School. Learned counsel further gives reference of another incumbent, namely, Ashok Kumar Chauhan in this regard.

6. After gone through with the order impugned and the Rules of 2012 and 2013 and the order relating to the other incumbents, this Court is of the view that while rejecting the representation of the petitioner the Authority concerned have not considered the impact of Amender Rules of 2013 as well as the fact that others have been given posting to Junior Basic Schools as Head Master/Head Mistress

7. In view of the discussion as above, the writ petitioner is allowed and the order impugned is quashed and a liberty is given to the petitioner to make fresh representation to the Authority concerned within 15 days from today and on such representation the Authority concerned shall take a fresh decision within one month from the date of receipt of the representation by a reasoned and speaking order.

(Rakesh Thapliyal, J.)

Parul