HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Bench No.612 of 2022

23 April, 2026

Amba Dutt Joshi --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

Presence:

Mr. A.M. Saklani, learned counsel for petitioner.
Mr. Dinesh Bankoti, learned Brief Holder for the State of Uttarakhand/respondent Nos.1 to 4.
Mr. Shubhang Dobhal, learned counsel for respondent No.5.

Coram: Hon'ble Manoj Kumar Tiwari, J.
Hon'ble Pankaj Purohit, J.

Per: Hon'ble Pankaj Purohit, J.

For the reasons indicated in the affidavit filed in support of delay condonation applications, delay in filing the counter affidavit and rejoinder affidavit is condoned. Counter affidavit and rejoinder affidavit are taken on record. Delay condonation applications (IA Nos.1 and 2 of 2023) stand disposed of.

2. Petitioner was appointed as C.T. Grade (Hindi/ Sanskrit) Assistant Teacher on 08.07.1988; he was promoted on the post of Lecturer on 15.02.2008 by Committee of Management but the Chief Education Officer has granted financial approval on 14.07.2011. On account of superannuation of one Shri Pradeep Kumar on the post of Principal, petitioner being the senior most lecturer in the Institution, was appointed as officiating Principal by Administrator after taking consent from him and he has worked on the said post from 31.07.2020 to 16.06.2022.

3. By means of the present writ petition, petitioner challenged the order dated 16.09.2022 passed by respondent No.2 (Annexure No.2 to the writ petition), whereby, his representation submitted in compliance of the order dated 13.06.2022 passed by Coordinate Bench of this Court in WPSB No.293 of 200 Amba Dutt Joshi Vs. State and Others, has been rejected denying the salary on the post of Principal w.e.f. 31.07.2020 to 16.06.2022, during which period he had worked as Officiating Principal in the College.

4. Learned counsel for petitioner submits that petitioner, being a senior post Lecturer, was promoted on the post of Officiating Principal and had worked on the said post from 31.07.2020 till 16.06.2022, therefore, he is entitled to get his salary of Principal for the aforesaid period.

5. He further submits that respondent No.3 has passed the rejection order dated 16.09.2022 on petitioner's representation without application of mind. Respondent No.3 has ignored the judgment passed by Hon'ble Apex Court as well as the judgment of this Court, which clearly indicate that the Lecturer, who is acting as Officiating Principal, is entitled to get pay or other benefits of the post of regular Principal, on which he has actually worked as Officiating Principal.

6. Per contra, learned State Counsel submits that while handing over the charge of Officiating Principal, to petitioner, there was a rider in the order that the petitioner shall not claim any salary for Officiating Principal, on which the petitioner had given his consent that no financial benefit for this officiating post would be claimed by him.

7. Since, there was condition in the order, by which the petitioner was given charge of Officiating Principal that the salary of the period during which he would hold the position of Officiating Principal of the Institution, shall not be paid and he had accepted that condition while joining the post of Officiating Principal with wide open eyes, and further, his representation for the same prayer has rightly been decided by respondent No.3, therefore, no interference with the impugned order is warranted.

8. In view of the above, the present writ petition fails and is dismissed.

(Pankaj Purohit, J.) **(Manoj Kumar Tiwari, J.)**

23.04.2026

PN/-