

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

(Through audio conferencing).

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO.77/DB/2021

1. Dr.Savita Verma, D/O Sri B.S. Verma, presently working as Assistant Professor (Mathematics) at Pandit Lalit Mohan Sharma, Govt. P.G. College, Rishikesh, Dehradun..
2. Dr. Anil Kumar, S/o Late Sri Shyam Lal, presently working as Assistant Professor (Botany) at Pandit Lalit Mohan Sharma, Govt. P.G. College, Rishikesh, Dehradun, r/o 128, Bharat Vihar, Lane No. 1, Near Water Tank, Haridwar Road, Rishikesh, District Dehradun.
3. Dr. Preet Pal singh, S/o Sri Dhan Pal Singh, presently working as Assistant Professor (Mathematics) at Pandit Lalit Mohan Sharma, Govt. P.G. College, Rishikesh, Dehradun, r/o Saleempur Bakkal, Laksar, Haridwar, District Haridwar.
4. Dr. Vijendra Lingwal, S/o Late Sri Jhaban Lal, presently working as Assistant Professor (Physics) at Pandit Lalit Mohan Sharma, Govt. P.G. College, Rishikesh, Dehradun, r/o C-763, IDPL, Veerbhadra, Rishikesh, District Dehradun.

.....Petitioners

vs.

1. Vice Chancellor, Sri Dev Suman Uttarakhand University, Babdshahi Thaul, Tehri Garhwal.
2. Registrar, Sri Dev Suman Uttarakhand University, Babdshahi Thaul, Tehri Garhwal.
3. State of Uttarakhand through Secretary, Higher Education, Govt. of Uttarakhand, Civil Secretariat, Dehradun.
4. Director, Higher Education, Gaulapar, Haldwani, District Nainital.

.....Respondents

Present: Sri S.S.Yadav, Advocate, for the petitioners.
Sri V.P.Devrani, A.P.O., for respondent no.3.

JUDGMENT**DATED: AUGUST 19, 2021****Justice U.C.Dhyani (Oral)****RELIEFS PRAYED FOR**

By means of present claim petition, petitioners seek the following reliefs:

I. Issue an order or direction to the respondents to decide the representation of the petitioners dated 10.08.2021 (Annexure: A-9).

II. Issue an order or direction to the respondents no.1, 2,3 & 4 to maintain the ratio of SC and OBC candidates prior to completion of absorption proceedings in Sridev Suman University's campus (Pandit Lalit Mohan Sharma Govt. P.G.College, Rishikesh, Dehradun).

III. Issue an order or direction to the respondents to provide the opportunity of hearing to the petitioners prior to completion of absorption proceedings as stated in the claim petition and ensure the representation of SC and OBC candidates in the present absorption/appointment proceedings in the university.

IV. Issue any other order or direction which this Hon'ble Tribunal may deem fit and proper under the circumstance of the case, may kindly be passed.

V. Award the cost of the petition."

PETITIONERS' VERSION

2. Petitioners are presently working as Assistant Professors in Pandit Lalit Mohan Sharma, Govt. P.G. College, Rishikesh, affiliated to Sri Dev Suman Uttarakhand University.
3. Due to declaration of Sri Hemwati Nandan Bahuguna University as Central University, several administrative difficulties occurred before the Govt. regarding affiliation of the Govt. colleges.
4. Well established autonomous Pandit Lalit Mohan Sharma, Govt. P.G. College, Rishikesh has been taken over by Sri Dev Suman Uttarakhand University *vide* order dated 06.08.2019 (Annexure: A-1), which was earlier under the control of Sri Hemwati Nandan Bahuguna Central University.

5. In *WPSB No. 442/2020, Dr. Ajay Prasad Uniyal and others vs. State of Uttarakhand and others*, orders dated 19.02.2020 and 20.02.2020 (Copies: Annexures: A-2 and A-3) were challenged, in which, Hon'ble High Court of Uttarakhand granted the interim relief, directing Respondents No.1 & 2, not to terminate the services of the petitioners. Respondent No.4 (Respondent No.1 in the writ petition) filed counter affidavit, stating therein, as under:

“ it will not only provide fair and equal chance to all similarly situated persons but will also attract best minds in academics having more potion and positive competition to ensure the quality education and academics ambience in upcoming Rishikesh campus of Sri Dev Suman University”

6. Respondent No.1, *vide* advertisement dated 11.11.2020 (Annexure: A-5) invited vacancies for fresh selection of faculty in the respondent university. In the said advertisement, at item no.2 (Botany), subject of petitioner no. 2, the reservation for Scheduled Caste category has been denied and in the subject of Zoology, reservation for Scheduled Caste category has been given, hence, it is an error apparent on the face of record. Recruiting body has not adopted the reservation policy. Recruitment process is in progress. The petitioners are working for about last 10 to 15 years. They have given their options, but due to groupism, favouritism and nepotism, the petitioners have been denied their due and (they) have been asked to be ready for transfer to other Govt. Colleges of Uttarakhand. *Vide* letter dated 20.02.2020 (Annexure: A-7) options for vacant posts have been invited. The petitioners have made their representation on 10.08.2021 (Annexure: A-9) to the Respondent No.1, which has not been decided so far.

PRAYER RESTRICTED

7. At present, Ld. Counsel for the petitioners has confined his prayer only to the extent that since petitioners' representation has not been decided so far, therefore, a direction be given to the respondent no.3 to decide such representation of the petitioners at an earliest possible, in accordance with law, to which Ld. A.P.O. has no objection.

ORDER

8. Without prejudice to rival contentions, the claim petition is disposed of at the admission stage by directing Respondent No.1 to decide the pending representation dated 10.08.2020 of the petitioners by a reasoned and speaking order, after giving opportunity of personal hearing, in accordance with law, at an earliest possible but not later than 10 weeks of presentation of the certified copy of this order, along with copy of representation.
9. Needless to say that the decision so taken be communicated to the petitioners soon thereafter.
10. It is made clear that the Tribunal has not expressed any opinion on the merits of the claim petition.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 19, 2021
DEHRADUN

VM