



2026:UHC:2212

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPSS/852/2026</u> <u>Hon'ble Manoj Kumar Tiwari, J</u></p> <p>Mr. S.S. Yadav, Advocate for the petitioner.</p> <p>2. Mr. S.S. Chaudhary, Standing Counsel for the State of Uttarakhand.</p> <p>3. Petitioner was appointed as Assistant Teacher in a Government Primary School in District Pauri Garhwal in January, 2009. Soon thereafter, <i>vide</i> order dated 19.08.2009, she was transferred to Dehradun, even though the cadre of Assistant Teachers, Government Primary Schools is of district level and they are not transferable outside the district.</p> <p>4. What is interesting to note that in the order dated 19.08.2009, it was mentioned that petitioner is being transferred to urban area of District Dehradun, even though, as per the then prevailing rules, there was a unified cadre of Assistant Teacher, Government Primary Schools in every district and separate cadre of urban and rural areas was not maintained.</p> <p>5. It appears that petitioner earlier filed writ petition, which was disposed of permitting her to make a representation. The representation made by petitioner pursuant to order of this Court has been rejected, <i>vide</i> order dated 07.08.2025. In the rejection order, it has been held that there is one unified cadre of Assistant Teacher, Government Primary Schools in every district, therefore, the demand made by the petitioner for including her name in the list of teachers belonging to urban cadre of Dehradun cannot be accepted.</p>



6. Learned counsel for the petitioner refers to a seniority list of Assistant Teacher, Government Primary Schools, which is enclosed as Annexure-13 to the writ petition, in which it is mentioned that it is in respect of Assistant Teacher serving in urban areas. Learned counsel for the petitioner submits that the said seniority list was issued on 17.12.2010.

7. Learned State Counsel was asked to get instructions. On instructions, Mr. S.S. Chaudhary, learned Standing Counsel submits that primary schools were earlier run by Basic Education Board, Uttar Pradesh and as per the then prevalent practice, Assistant Teachers were having separate cadres for urban areas and rural areas. He submits that Assistant Teachers serving in Primary Schools run by Basic Education Board acquired status of Government servant in terms of Section 58 of Uttarakhand School Education Act and the practice of maintaining separate cadres of primary school teachers has been done away with and anyone, who is appointed after 2006 is member of a Unified District Level Cadre. He also refers to judgment dated 13.6.2024, rendered by Co-ordinate Bench of this Court in Writ Petition (S/S) No. 976 of 2024 where while considering similar issue, it was held as follows: -

"11. The submission made by learned counsel for the petitioners appears to be totally misconceived. Once the Rural Local Area Cadre and Urban Local Area Cadre have come to an end with the unification of the service of the employees of U.P. Basic Education Parishad with the State Government at par, no separate list is required."

8. Learned State Counsel further submits that the contention raised by the petitioner that separate seniority list have to be maintained for urban and rural areas is without any basis, and in fact, there is no pleading also made in the writ petition that there are such separate lists maintained.



9. Learned counsel for the petitioner was asked to substantiate his contention that separate list is required to be maintained for rural and urban areas with the help of the applicable rules, however, he could not show any provision in the rules, which requires maintaining separate list for urban and rural areas. He refers to Rule 5 (2) of Uttarakhand Government Elementary Education (Teachers Service) Rules, 2012 and proviso thereto. Rule 5 (2) of the said Rules provides that there shall be a District Level Cadre of Assistant Teachers for Government Primary Schools and Government Junior High Schools. Proviso to Rule 5(2) further provides that persons appointed as Assistant Teacher before enforcement of these Rules shall remain member of the District Level Cadre, as before. Learned counsel for the petitioner complains that petitioner's name does not figure in any of the seniority list.

10. The reason assigned for rejecting petitioner's representation cannot be faulted. Learned State Counsel is right in submitting that petitioner was wrongly transferred from District Pauri to Dehradun, within less than a year of her appointment.

11. The writ petition is however disposed of by directing the competent authority to take decision for including petitioner's name in the seniority list of the cadre to which she belongs.

(Manoj Kumar Tiwari, J)

27.03.2026