

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY
18TH JUNE, 2026
WRIT PETITION (S/B) NO.328 OF 2026

Darshan Pant and Others

--Petitioners

Versus

State of Uttarakhand and Others

--Respondents

Presence:

Mr. S.S. Yadav, learned counsel for the petitioners.

Mr. J.C. Pandey, learned Standing Counsel for the State of Uttarakhand/ respondent nos.1 to 3.

ORDER : (per Mr. Manoj Kumar Gupta C. J.)

1. Learned counsel for the State has placed on record the instructions received from the Directorate of Higher Education, Uttarakhand. It does not reveal that how any distinction could be made in the services rendered by a person as a guest faculty from *ad hoc* services for counting the period of service at a remote place under the provisions of the Transfer Act.

2. The case of the petitioners is that if the period of the service rendered by them as contract teachers prior to their regularization is counted, they have completed much more than 10 years of service at remote places. They are being prevented from filling the option

form for transfer from remote areas to accessible areas, in view of note no.6 contained in the circular letter dated 18.04.2026 of the Directorate, which is as follows:

“6. विनियमित कार्मिकों के सेवा इतिहास की गणना उनके विनियमितीकरण की तिथि से की गयी है। (तदर्थ रूप से नियुक्त कार्मिकों को छोड़कर)”

3. The submissions of learned counsel for the petitioners is that distinction being made by the department between *Ad hoc* appointees and other employees like contractual and guest faculty etc. has no rational basis.

4. The period of service rendered before regularization may not qualify for seniority or other purposes but while counting the period of service rendered by a person at a remote place the object whereof is to only ensure that every employee renders service in a remote area for a prescribed period, no such distinction can be made.

5. The submission appears to have force.

6. Let counter affidavit be filed by the respondents within four weeks.

7. List immediately thereafter.

8. Meanwhile, we stay the effect and operation of note no.6 annexed to the order of the Directorate dated

18.04.2026 in so far as it prevents the petitioners from submitting their option forms for the purpose of annual transfers.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 18.06.2026

ss