

WPSS No. 1845 of 2012

**Hon'ble Ravindra Maithani, J.**

Mr. K.P. Upadhyay, Sr. Advocate, assisted by Mr. Hemant Pant, Advocate for the petitioners.

Mr. P.S. Bisht, Addl. C.S.C. for the State.

Mr. S.S. Yadav, Advocate for the respondent nos.3 to 63.

Mr. N.S. Pundir, Advocate for respondent no.71/Public Service Commission.

In this writ petition, the dispute is with regard to *inter se* seniority between the directly appointed Lecturer in the Government Inter College and those who were appointed on promotion. The writ petition has been filed by those Lecturers who were directly appointed. A large number of private respondents who were appointed on promotion basis have already been made party.

Now, an impleadment application no. 14109 of 2021 has been moved on behalf of the respondents who are appearing in the case with the averments therein that almost 3000 lecturers (between serial number 5154 to 8792 in the seniority list except those who have already retired) would be affected by the judgment that may be passed in the instant writ petition. Therefore, they all be impleaded as party in the instant writ petition

Heard on impleadment application.

Learned counsel for the private respondent nos.3 to 63 would submit that the affected persons should be made party and they should be afforded an opportunity of hearing before any order is passed in the instant petition.

On the other hand, learned counsel for the petitioners would submit that earlier also, a similar kind of impleadment application was moved, which was allowed, but, subsequently, the Court on 15.10.2019 directed the petitioner to make a publication in two newspapers having a wide circulation in the State of Uttarakhand so as to serve the

affected persons by way of a general notice about the pendency of the writ petition before this Court. It is argued that the notice was duly published and the Court on 06.03.2020 had already held that the service is sufficient. In fact, the notice was published in a newspaper on 04.03.2019 which is on record alongwith the affidavit of service that has been filed by the petitioner. By way of this notice, it was informed as hereunder;

“All such regularly promoted lecturers (promoted in the year 2010 and 2011) who may adversely be affected by the challenge in the writ petition are hereby called to appear in this Court in person or through counsel duly instructed by them on or before 13.11.2019 at 10:00 o'clock forenoon to answer the petition, failing which the said petition shall be heard and determined in their absence.

As stated, service by way of this publication was held to be sufficient by this Court on 06.03.2020. Now, after this publication, no question survives for impleading any party by the appearing parties. Undoubtedly, if any of the affected party comes forward to get himself impleaded, that application may perhaps be considered, but, the application by the private respondent, as has been filed, cannot be entertained in view of what was ordered by this Court on 15.10.2019 and what was held on 06.03.2020 after publication of the notice in the newspapers. Therefore, the impleadment application has no merit and it deserves to be dismissed.

The impleadement application is dismissed.

Pleadings have already been exchanged.

List this matter in the week commencing 20.09.2021 for final hearing.

**(Ravindra Maithani, J.)**

01.09.2021

Ujjwal