



2024:UHC:6337

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No. 1668 of 2024

3rd September, 2024

Vijay Madhwal and others --Petitioners

Versus

State of Uttarakhand and others --Respondents

Presence:-

Mr. Anil K. Bisht and Mr. Guru Prasad Awasthi, Advocates for petitioners

Mr. Pradeep Hairiya, learned S.C. for the State.

Hon'ble Pankaj Purohit, J.

Heard learned Counsel for the parties.

2. Petitioners have sought for writ of mandamus commanding the respondents to count the services of the petitioners rendered in Government Aided School prior to its provincialisation and give all service benefits, in light of judgment passed by this Court in WPSS No.527 of 2018, *Kailash Chandra Pathak Vs. State of Uttarakhand through Secretary School Education* dated 14.12.2021.

3. The main crux of the matter is that the services rendered by petitioners in the institution(s), which was subsequently brought into grant-in-aid, were not counted for the purpose of giving them the benefits of service.

4. At this stage learned counsel for the petitioners has contended that this issue has already been dealt with by a Co-ordinate Bench of this Court in WPSS No.270 of 2009 decided on 23.12.2009 wherein the relief(s) claimed by petitioner, therein, was granted. Following the said judgment dated 23.12.2009, a Division Bench of this Court disposed-of SPA No.417 of



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2014 vide judgment dated 28.10.2014. Another Coordinate Bench of this Court by judgment dated 22.12.2017 passed in WPSS No.3461 of 2017, took note of the aforesaid judgments dated 23.12.2009 as well as 28.10.2014 and granted relief to the petitioner therein. It was accordingly prayed by learned counsel that following the said ratio, the present writ petition may also be allowed by granting the petitioners the relief claimed by them.

5. To the aforesaid submissions, learned State counsel has also expressed his concurrence.

6. In such view of the matter, present writ petition is allowed. The respondent-State is directed to count the services rendered by the petitioners in the government aided school(s) prior to its provincialisation, and at the same time provide them all sort of service benefits, in light of the judgments, referred to hereinabove.

7. No order as to costs.

(Pankaj Purohit, J.)

03.09.2024

Rdang