



2026:UHC:994-DB

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

Special Appeal No.401 of 2025

February 17, 2026

Suneeti Pal

---Appellant

Versus

State of Uttarakhand & Others

---Respondents

Presence:-

Mr. T.A. Khan, learned Senior Counsel assisted by Mr. Mohd. Shafy, learned counsel for the appellant

Mr. B.S. Parihar, learned Additional C.S.C. with Ms. Rajni Supyal Latwal, learned Brief Holder for the State

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

1. The present intra-court appeal is directed against the order of learned Single Judge dated 18.11.2025 passed in WPSS No.1909/2025, by which the writ petition filed by the petitioner/appellant, challenging the seniority list issued in the year 2019, rejection of his objections by order dated 15.02.2021 and the order of promotion of respondent no.5 to the post of Naib Tehsildar on *ad hoc* basis, was dismissed.

2. The learned Single Judge has noted that the seniority list issued in the year 2019, wherein the



petitioner/appellant was shown as junior to respondent no.5, was subjected to challenge by the petitioner by filing WPSS No.1193/2020 and the said writ petition was disposed of by order dated 08.10.2020, directing respondent no.4 to decide the objection of the petitioner/appellant. In pursuance of the said order, respondent no.4 decided the representation by order dated 15.02.2021 and it was held that respondent no.5 was senior to the petitioner/appellant, consequently, the objection was rejected. Learned Single Judge has noted in the order under challenge that the petitioner/appellant did not challenge the order dated 15.02.2021 nor the seniority list and it was only after the order was passed on 10.10.2025 promoting the respondent no.5 to the post of Naib Tehsildar that he filed the writ petition. Learned Single Judge has observed that challenge to seniority list has to be made within a reasonable time as undue delay in challenging the same disturbs the settled position of other incumbents. The learned Single Judge has placed reliance on a Constitution Bench Judgment of Hon'ble Supreme Court in the case of ***Trilokchand Motichand & others vs. H.B. Munshi***, reported in (1969) 1 SCC 110, in holding that in case challenge is not made to the seniority list within a reasonable period, the Court should



be loath in entertaining the challenge. The relevant part of the judgment of the Constitution Bench on which reliance has been placed by the learned Single Judge is as follows: -

"18. It seems to me, however, that the above solution is not quite appropriate for petitions under Article 32. A delay of 12 years or 6 years would make a strange bed-fellow with a direction or order or writ in the nature of mandamus, certiorari and prohibition. Bearing in mind the history of these writs I cannot believe that the Constituent Assembly had the intention that five Judges of this Court should sit together to enforce a fundamental right at the instance of a person, who had without any reasonable explanation slept over his rights for 6 or 12 years. The history of these writs both in England and the U.S.A. convinces me that the underlying idea of the Constitution was to provide an expeditious and authoritative remedy against the inroads of the State. If a claim is barred under the Limitation Act, unless there are exceptional circumstances, prima facie it is a stale claim and should not be entertained by this Court. But even if it is not barred under the Indian Limitation Act, it may not be entertained by this Court if on the facts of the case there is unreasonable delay. For instance, if the State had taken possession of property under a law alleged to be void, and if a petitioner comes to this Court 11 years after the possession was taken by the State, I would dismiss the petition on the ground of delay, unless there is some reasonable explanation. The fact that a suit for possession of land would still be in time would not be relevant at all. It is difficult to lay down a precise period beyond which delay should be



explained. I favour one year because this Court should not be approached lightly, and competent legal advice should be taken and pros and cons carefully weighed before coming to this Court. It is common knowledge that appeals and representations to the higher authorities take time; time spent in pursuing these remedies may not be excluded under the Limitation Act, but it may ordinarily be taken as a good explanation for the delay."

3. We fully concur with the view taken by learned Single Judge. Although the petitioner, at initial stage, challenged the seniority list issued in the year 2019 but after his objection was rejected by respondent no.4 vide order dated 15.02.2021, he did not challenge the said order, nor the seniority list for all these years. It was only after respondent no.5 was given promotion that the petitioner approached this Court.

4. Having regard to the above undisputed position, we find no merit in the appeal. It is, accordingly, dismissed.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 17.02.2026
Rajni