

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>WPSB No. 34 of 2023</p> <p><u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u></p> <p><u>Per-Manoj Kumar Tiwari, J.</u></p> <p>Mr. Sanjay Bhatt, Advocate for the petitioner.</p> <p>Mr. S.S. Chaudhary, Standing Counsel for the State.</p> <p>Ms. Mamta Bisht, Advocate for Kumaon University.</p> <p>Ms. Anjali Bhargava, Advocate for UGC.</p> <p>2. Petitioner was appointed as Lecturer in Kumaon University on 13.09.1976. He was promoted as Reader under Career Advancement Scheme w.e.f. 22.06.1991, thereafter he was promoted as Professor on 27.07.1998. Petitioner retired from service after completing age of superannuation i.e. 65 years on 30.06.2020.</p> <p>3. According to the petitioner, he was entitled to Higher Academic Grade, which is available to senior professor, as per UGC Regulations w.e.f. 2009. Since that benefit was not given to petitioner, therefore he has filed this writ petition seeking following reliefs:</p> <p>“I. issue a writ in the nature of Mandamus commanding the Respondent No 1, 2 & 3 to grant the antedated Personal Promotion to the Petitioner to the Higher Academic Grade / Senior Professor in compliance of the 2010 & 2018 Regulations from 31/12/2008.</p> <p>II. issue a writ in the nature of Mandamus</p>

commanding the Respondent No 1, 2 & 3 to grant the arrears of pay to the Petitioner.

III. award costs to this Petition, as the Respondent University has perpetuated statutory non-compliance for no reason what so ever, and has forced the Petitioner to pursue the instant Petition for enforcement of his rights.”

4. Professor Atul Kumar Joshi, has filed counter affidavit as Registrar, Kumaon University, Nainital. Para 5 and 6 of said counter affidavit are extracted below:

“5. That in reply to the para no. I of the writ petition, it is stated that, the petitioner is claiming the antedated personal promotion to the Higher Academic Grade/senior professor. In this regard Kumaoun University Nainital had already sent a letter no. 2252 dated 26.03.2015 to the Secretary Higher Education, Government of Uttarakhand for sanction of above mention pay-scale/AGP, so that, benefit of Career Advancement Scheme, 2010 could be granted to eligible Professor of the Kumaoun University Nainital as per procedure described in the Scheme of University Grants Commission. A letter dated 26.03.2005 is annexed herewith marked as Annexure No. CA-1 to this affidavit.

6. That it is further submitted that some few other letters i.e. letter no. 4270 dated 14.09.2018, letter no. 244 dated 06.05.2019 & letter no. 1852 dated 16.12.2019 also send to the Government of Uttarakhand as reminder, but till date sanction of Higher Grade of Professorship (Stage 6) in the pay scale Rs. 67000-79000 AGP 12,000/- has not provided by the State Government.

Hence, petitioner’s claim was not processed by the Kumaoun University Nainital, and the petitioner has superannuated from the services of the Kumaoun University Nainital on dated 30.06.2020. Copies of letters dated 14.09.2018, 06.05.2019 & 16.12.2019 are annexed collectively marked as Annexure No. CA-2 to this affidavit.”

5. Learned State Counsel refers to counter affidavit, filed by Mr. S.S. Tripathi, Deputy

Secretary, Higher Education on behalf of respondent No. 2. Para 9 of the said counter affidavit is reproduced below:

“9. That in reply to the contents of para no. 10 of the writ petition, it is submitted that, since university has not incorporated the said provisions in its statute as required by GO dated 28 May, 2013, the application thus invited bears no legal ground, because at that time the said stage 6 of Professorship exists nowhere in the University Statutes. Rest of the averments made in para need no comments.”

6. Ms. Mamta Bisht, learned counsel appearing for Kumaon University, however, submits that the stand taken in para 9 of the counter affidavit, filed on behalf of the State is not correct, and submits that State of Uttarakhand has adopted Career Advancement Scheme vide Government Order dated 28.05.2013, and thereafter Hon’ble Vice Chancellor has sanctioned incorporation of Career Advancement Scheme, 2010 in the Statute of Kumaon University, Nainital, vide order dated 21.04.2022.

7. The only defence taken by State Government was that Career Advancement Scheme introduced by University Grants Commission (UGC) was not incorporated in the First Statute of the University.

8. Learned counsel for the petitioner by referring to Annexure-3 to the counter affidavit filed on behalf of the University, submits that relevant provisions of Career Advancement

Scheme has now become part of first statute of Kumaon University, vide order dated 21.04.2022, thus, now there is no legal impediment in considering claim of the petitioner for Higher Academic Grade.

9. The writ petition is, accordingly, disposed of by directing Vice Chancellor, Kumaon University to consider the claim of petitioner and other eligible persons, by constituting a Selection Committee as per the applicable UGC Regulations for grant of Higher Academic Grade. Such committee shall be constituted within three weeks from today.

10. If petitioner is found eligible for grant of Higher Academic Grade, then necessary order granting such benefit, shall be passed by competent authority in the University, within four months from today.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)
29.04.2026

Mahinder/