संख्या 08 /पू.मु.म.म./2021-22

दिनांक 09/07/2021

सेवा में

माननीय मुख्यमंत्री महोदय जी

उत्तराखंड सरकार

दिनांक-08/07/2021

विषय- महिला प्रौद्योगिकी संस्थान (उत्तराखण्ड तकनीकी विश्वविद्यालय) में पूर्व से कार्यरत शिक्षकों एवं लैब तकनीशियन की सेवा बहाली के संबंध में।

महोदय,

विनम्र निवेदन इस प्रकार से है कि हम शिक्षक एवं लैब टेक्नीशियन महिला प्रौद्योगिकी संस्थान (उत्तराखण्ड तकनीकी विश्वविद्यालय) में सन 2012 से कार्यरत रहे हैं विश्वविद्यालय द्वारा हमारी सेवाओं को निरंतरता प्रदान की गई है परंतु पूर्व निदेशक द्वारा इस आदेश को नहीं माना गया जिस कारण से हम सभी शिक्षक एवं लैब टेक्नीशियन जोकि उत्तराखंड मूल के युवा हैं उनको इस कोरोना महामारी के दौर में हमारी सेवाओं से वंचित रखा गया जिस कारण हम सभी की आर्थिक स्थिति बहुत ही दयनीय हो चुकी है।

अतः महोदय से नम्र निवेदन है कि हम सभी शिक्षकों एवं लैब टेक्नीशियन की पूर्व की भांति सेवा बहाली की जाए जिससे उत्तराखंड के युवाओं एवं छात्राओं का भविष्य सुरक्षित रह सके।

सधन्यवाद

8/7/21

8/7/21

8/7/21

8/7/21

समस्त लैब टेक्नीशियन एवं शिक्षक

महिला प्रौद्योगिकी संस्थान सुद्दोवाला

देहरादून उत्तराखंड

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विभाग
पत्रावली संख्या

टीपें और आज्ञायें

वि0पत्र– निदेशक, महिला प्रौद्योगिकी संस्थान, देहरादून का पत्र संख्या–8252, दिनांक 28.07.2021।

उप सचिव,

कृपया वि0पत्र का संलग्नक सहित अवलोकन करने का कष्ट करें।

2– वि0पत्र द्वारा अवगत कराया है कि महिला प्रौद्योगिकी संस्थान, उत्तराखण्ड तकनीकी विश्वविद्यालय में लैब टेक्नीशियन के पद पर वर्ष 2012 से संविदा पर कार्यरत उक्त संविदा कर्मचारियों एवं लैब टेक्नीशियन को पूर्व की भॉति सेवा में बहाल किये जाने का अनुरोध किया गया है।

3– वि0पत्र के माध्यम से उक्त के सम्बन्ध में शासन के पत्र संख्या–740, दिनांक 28 जुलाई, 2021 के क्रम में निदेशक, महिला प्रौद्योगिकी संस्थान, देहरादून द्वारा अवगत कराया गया है कि संस्थान में पूर्व में संविदा पर कार्यरत रहे कर्मचारियों द्वारा वर्ष 2016 की भॉति वर्ष 2017 में भी सत्र के प्रारम्भ से ही 16 सितम्बर, 2017 से विश्वविद्यालय के मेन गेट पर तालाबंदी की गयी, कार्य करने व पढ़ने के इच्छुक कर्मचारियों/छात्राओं को जबरन कार्य करने से रोका व गैर कानूनी रुप से ताला बंदी कर छात्राओं के भविष्य को ताक पर रख कर शैक्षणिक व संस्थान सम्बन्धित कार्यबाधित किये तथा संस्थान के सभी नियमों की अवहेलना की गयी। पूर्व संविदा कर्मचारियों द्वारा संस्थान की छवि धूलित करने हेतु मा0 उच्च न्यायालय में कई वाद दायर किये गये जिसमें उत्तराखण्ड शासन को भी वादी बनाया गया। वर्ष 2017 में संविदा समाप्ति के उपरान्त पूर्व संविदा पर कार्यरत रहे कर्मचारियों द्वारा मा0 उच्च न्यायालय नैनीताल में याचिका दायर की। जिसके सापेक्ष संस्थान द्वारा मा0 उच्चतम न्यायालय में एस0एल0पी0 संख्या–18848 – 18867/2018 दायर की गई, जिसके आदेश दिनांक 01 अप्रैल, 2019 को पूर्व संविदा कर्मचारियों के द्वारा दायर वादों को disposed of कर दिया गया है।

अतः उपरोक्त वर्णित स्थिति से अवगत होते हुए सहमति की दशा में पत्रावली उच्च स्तर पर अवलोकनार्थ/आदेशार्थ प्रस्तुत करना चाहें।

(नीरज मल्ल)
अनुभाग अधिकारी
तकनीकी शिक्षा अनुभाग
उत्तराखण्ड शासन

Very poor drafting

(डॉ0 वी.वी.आर.एन. पुरूषोत्तम)
सचिव
तकनीकी शिक्षा
उत्तराखण्ड शासन

(वेदीराम)
अपर सचिव
तकनीकी शिक्षा विभाग
उत्तराखण्ड शासन

Very poor drafting by R.O. के तेक मौखिक चेतावनी दी गई।

प्रकाश

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विभाग
पत्रावली संख्या

टीपें और आज्ञायें

अवलोकित /

कृ० अनुरोध में देखें /

(राधा रतूड़ी)
अपर मुख्य सचिव
तकनीकी शिक्षा, उच्च शिक्षा,
सचिवालय प्रशासन
उत्तराखण्ड शासन

(नीरज खटल)
उपसचिव
तकनीकी शिक्षा अनुभाग
उत्तराखण्ड शासन

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ITEM NO.52 COURT NO.14 SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) Nos.18848-18867/2018

(Arising out of impugned final judgment and order dated 31-05-2018 in WP No.568/2017, WP No.125/2014 (S/B), WP No.525/2017 (S/B),WP No.33/2018 (S/B), WP No.40/2018 (S/B), WP No.38/2018 (S/B), WP No.48/2018 (S/B), WP No.46/2018 (S/B), WP No.47/2018 (S/B), WP No.49/2018 (S/B), WP No.50/2018 (S/B), WP No.42/2018 (S/B), WP No.39/2018 (S/B), WP No.45/2018 (S/B), WP No.43/2018 (S/B), WP No.44/2018 (S/B), WP No.41/2018 (S/B), WP No.60/2018 (S/B) and order dated 03-07-2018 in MCC No.810/2018 in WP No.568 of 2017 and order dated 11-07-2018 in MCC No.877/2018 in WP No.568 of 2017 passed by the High Court of Uttarakhand at Nainital)

WOMEN INSTITUTE OF TECHNOLOGY Petitioner(s)

VERSUS

STATE OF UTTARAKHAND & ORS. Respondent(s)

IA 138505/2018-EXEMPTION FROM FILING OT
WITH
SLP(C) No. 20153-20172/2018 (X)
SLP(C) No. 22082/2018 (X)
SLP(C) No. 22923/2018 (X)

Date : 01-04-2019 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Parties (s) Mr. P.S. Patwalia, Sr. Adv.
Mr. Siddharth Batra, AOR
Mr. Vishwajeet Arora, Adv.

Mr. Jitendra Mohan Sharma, Adv.

Mr. Rajiv Nanda, AOR

Dr. (mrs.) Vipin Gupta, AOR

Mr. Ravindra S. Garia, AOR

Mr. Tushar Mehta, SG
Ms. Rachna Gandhi, Adv.
Mr. Pradeep Rai, Adv.
Mr. K.M. Monika, Adv.
Mr. Upendra Narayan Mishra, Adv.
Ms. Vanshaja Shukla, AOR

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Mr. Jitender Mohan Sharma, Adv.
Sanpreet Singh Ajmani, Adv.
Mr. Ravindra S. Garia, AOR
Mr. Sandeep Singh, Adv.

Mr. Shashank Singh, Adv.

Mr. Lakshmeesh S. Kamath, AOR
Soheb Rahman, Adv.

Mr. Pradeep Gupta, Adv.
Mr. Parinav Gupta, Adv.
Mrs. Mansi Gupta, Adv.
Mr. Wazir Singh Malik, Adv.
Moazzam Ali, Adv.
Dr. (Mrs.) Vipin Gupta, AOR

Mr. Farrukh Rasheed, AOR

UPON hearing the counsel the Court made the following

O R D E R

We have heard learned counsel for the parties and are satisfied that the process envisaged by us in the order dated 25.09.2018 has been complied with. Thus, the present proceedings are closed in terms thereof.

The special leave petitions are accordingly disposed of.

Pending application(s), if any, shall also stand disposed of.

(POOJA ARORA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

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IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 568 of 2017 (S/B)

Technical Teachers Welfare Society & others

....Petitioners

Versus

State of Uttarakhand & others

....Respondents

With

Writ Petition No. 125 of 2014 (S/B)

Vijay Saini & others

....Petitioners

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 525 of 2017 (S/B)

Technical Teachers Welfare Society & others

....Petitioners

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 33 of 2018 (S/B)

Sandeep Kumar

....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 40 of 2018 (S/B)

Smt. Pooja Joshi

....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 38 of 2018 (S/B)

Dev Baloni

....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 48 of 2018 (S/B)

Ms. Priyanka Saini

....Petitioner

Versus

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State of Uttarakhand & others

....Respondents

Writ Petition No. 47 of 2018 (S/B)

Bhupesh Singh ....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 46 of 2018 (S/B)

Abhishek Bhartiya ....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 49 of 2018 (S/B)

Ms. Priyanka Singh ....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 50 of 2018 (S/B)

Smt. Manisha Gupta ....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 42 of 2018 (S/B)

Smt. Anjna Kothari Gaur ....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 39 of 2018 (S/B)

Mr. Amit Moray ....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 45 of 2018 (S/B)

Ms. Vijeta Pal ....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 43 of 2018 (S/B)

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Sri Ashish Kumar ....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 44 of 2018 (S/B)

Sri Raman Kumar Arora ....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 41 of 2018 (S/B)

Ms. Aakanksha Devrani ....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Writ Petition No. 60 of 2018 (S/B)

Bhupesh Singh & others ....Petitioners

Versus

State of Uttarakhand & others

....Respondents

Mr. M.C.Pant and Mr. Kishor Kumar, Advocates for the petitioners.
Mr. P.C.Bisht, Standing Counsel for the State.
Mr. Rajendra Dobhal, Senior Advocate assisted by Mr. Atul Bahuguna, Advocate for the for the respondents no. 5 & 6.
Ms. Pritika Dwivedi, Advocate for the respondents no. 7.
Mr. Bhupesh Kandpal, Advocate for the respondent no.9.
Mr. Lokendra Dobhal Advocate for the respondents no. 10 and 11.

Dated - 31.05.2018

Coram: Hon'ble Rajiv Sharma, J.
Hon'ble Alok Singh, J.

Oral: Hon'ble Rajiv Sharma, J.

Since the common questions of law and facts are involved in the above titled writ petitions, hence the same are being taken up together and adjudicated by this common judgment. However, in order to maintain clarity, the facts of WPSS No.568 of 2017 have been taken into consideration

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2. The grievance of the petitioners is that their contracts have not been renewed and the continuation of respondent no.5 as Director of the Institution is illegal.

3. The State of Uttarakhand has enacted the Act called Uttaranchal Technical University Act, 2005 (*hereinafter to be referred as 'the Act'*). Section 2(m) defines 'Constituent College'. The 'University' is a body corporate. The powers and duties of the 'Chancellor' have been provided u/s 6. The appointment of 'Vice Chancellor' is stipulated u/s 8. The powers and duties of the Vice Chancellor have been defined u/s 10 of the Act. Section 30 empowers the State Government to frame the First Regulations.

4. In sequel to the directions issued by this Court, the Vice Chancellor has passed the following order on 16.10.2017.

> "As per Office Order 9945/VC/UTC/2017, Dated Oct. 16, 2017, you are hereby directed to handover all the accounts, cheque book and relevant documents to the Finance Office of the University with immediate effect. This arrangement has been made in the reference to the directions from Hon'ble High court dated Oct. 13, 2017 to restore the academic and administrative environment in the Institute, in the larger interest of students and faculty, till further order."

3

5. A Public Litigation Interest (PIL) was filed bearing WPPIL No.113 of 2017 before this Court. This Court disposed of the WPPIL No.113 of 2015 on 25.10.2017. The Court's order reads as under: -

> "In this Public Interest Litigation, Ms. Razia Sultan, learned counsel holding brief of Mr. Abhishek Verma, learned counsel for the petitioner would submit that pursuant to the order passed by this Court and following negotiations, the classes have been started. An application for dismissal of the writ petition has been filed by Mr. M.C. Pant, learned counsel for the party respondent/ respondent no. 11.
> 2. Mr. Subhash Upadhyay, learned counsel appearing for respondent no. 2/Director of the Institute, on the other

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hand, would submit that the administrative and financial control of the Director have been taken away.
3. We close this writ petition. We only make it clear that this judgment will not stand in the way of the State Government in considering any representation filed by the respondent no. 2/Director in accordance with law.
4. Application for dismissal stands disposed of."

6. It is evident from the operative portion of the judgment cited hereinabove that respondent no.5, herein, was directed to file a representation and the State Government was directed to decide the same. The representation was decided by the Additional Chief Secretary on 13.11.2017.

7. Learned counsel appearing on behalf of the State has failed to point out under what authority he has passed the order on 13.11.2017 nullifying the order dated 16.10.2017.

8 The Vice Chancellor has cancelled the earlier order dated 16.10.2017, after the order passed by the Additional Chief Secretary on 13.11.2017 on 30.11.2017.

9 The affairs of the respondent-institution are to be regulated under the University Act. The State Government, till date, has not framed First Regulations under Section 30, which has further resulted in deterioration of academic standards.

4

10 The orders passed by the Additional Chief Secretary is without authority, thus void *ab initio*. Consequently, the order dated 16.10.2017 is also bad in law.

11. We have a long interaction with the respondent no.5, who is present in the Court. She apprised the Court that the advertisements were published on 14.6.2016 and on 29.04.206 for filling up the post of Director. However, the selection process, till date, has not been completed.

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The State Government has also not created posts as per Section 6(j) of the Act. It is incumbent upon the State Government to impart the quality education to the students. The posts are also required to be filled up as per the norms laid down by UGC and by the All India Council of Technical Education Act.

12. The petitioners have relied upon the orders passed by the Division Bench of this Court in WPSB No.193 of 2014 and analogous matters on 01.12.2015. The judgment dated 01.12.2015 rendered by the Division Bench of this Court was upheld by the Hon'ble Supreme Court.

13. Accordingly, the writ petitions are disposed of. Order under challenge in WPSB No.568 of 2017 along with consequential orders are quashed and set-aside.

A. The respondent-State is directed to frame First Regulations under Section 30 of the Act, within three months from today.

B. The respondents are directed to complete the selection process for the post of Director within three months from today, as per the norms of UGC and the guidelines prescribed under the All India Council of Technical Education Act.

C. The respondent-Institution is also directed to engage the petitioners on contractual basis, in view of the observations made by the Division Bench of this Court in WPSB No.193 of 2014 and analogous matters on 01.12.2015 within three weeks from today.

D. The respondent-State is directed to ensure creation of posts as per Section 6(j) within a period of three months from today, to improve the academic standards in the respondent-Institution.

5

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E. The respondent no.5 is directed to consider the leave applications of the petitioners sympathetically and give access to the facilities to the petitioners available in the University without causing any hindrance.

F. Petitioners shall file affidavits within two weeks' before this Court undertaking not to create any law and order problem in the eventuality of their contracts being renewed.

14. Pending applications stand disposed of in the aforesaid terms.

(Alok Singh, J.) **(Rajiv Sharma, J.)**

NISHANT/Kaushal

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ITEM NO.2 COURT NO.4 SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) Nos.18848-18867/2018

(Arising out of impugned final judgment and order dated 31-05-2018 in WP No. 568/2017 31-05-2018 in WP No. 125/2014 31-05-2018 in WP No. 525/2017 31-05-2018 in WP No. 33/2018 31-05-2018 in WP No. 40/2018 31-05-2018 in WP No. 38/2018 31-05-2018 in WP No. 48/2018 31-05-2018 in WP No. 46/2018 31-05-2018 in WP No. 47/2018 31-05-2018 in WP No. 49/2018 31-05-2018 in WP No. 50/2018 31-05-2018 in WP No. 42/2018 31-05-2018 in WP No. 39/2018 31-05-2018 in WP No. 45/2018 31-05-2018 in WP No. 43/2018 31-05-2018 in WP No. 44/2018 31-05-2018 in WP No. 41/2018 31-05-2018 in WP No. 60/2018 03-07-2018 in MCC No. 810/2018 11-07-2018 in MCC No. 877/2018 passed by the High Court of Uttarakhand at Nainital)

(IA 98547/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA 98549/2018-EXEMPTION FROM FILING O.T.)

WOMEN INSTITUTE OF TECHNOLOGY Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ORS. Respondent(s)

WITH
SLP(C) No. 20153-20172/2018 (X)

SLP(C) No. 22082/2018 (X)

SLP(C) No. 22923/2018 (X)
(FOR ADMISSION and I.R. and IA No.117885/2018-EXEMPTION FROM FILING O.T. and IA No.117886/2018-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.117884/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS)

Date : 25-09-2018 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

Counsel appearing for the parties:-

Mr. J.M. Sharma, Sr. Adv.
Mr. Ajit Sharma, Adv.
Mr. Sanpreet Singh Ajmani, Adv.
Mr. Pranshu Koshal, Adv.
Mr. Manohar Pratap, Adv.
Mr. B. Sharma, Adv.
Mr. S. Seth, Adv.

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Mr. P.S. Patwalia, Sr. Adv.
Mr. Siddharth Batra, AOR
Ms. Garima Sehgal, Adv.

Mr. Sanat Kumar, Sr. Adv.&AAG
Mr. Rajiv Nanda, AOR

Mr. Ravindra S. Garia, AOR
Mr. Shashank Singh, Adv.

Mr. Lakshmeesh S. Kamath, AOR
Mr. Soheb Rahman, Adv.

Mr. Farrukh Rasheed, AOR
Mr. Obaidullah, Adv.
Ms. Nidhi Rai, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard the learned Senior counsel appearing for the parties.

1. The State of Uttarakhand is directed to finalize the process of promulgation of Regulations under Section 30 of the Uttarakhand Technical University Act, 2005 positively within a period of three months from today.

2. In terms of the Regulations thus promulgated, the Women Institute of Technology, Dehradun and all stake-holders are concerned are directed to undertake the process of regular selection and appointment of regular Director and staff within another two months.

3. Needless to say, the State Government will pass necessary orders sanctioning the posts of Director and staff in the Institute along with promulgation of the Regulations.

4. We also make it clear that the appointment of regular staff will be made only after regular Director is appointed.

5. For the period the teachers have worked, they shall be paid salary and all other eligible benefits within one month from today.

6. All other questions raised in these Special Leave Petition will be decided at the time of final hearing.

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7. Post these matters in the first week of February, 2019.

(VISHAL ANAND)
COURT MASTER (SH)

(RENU DIWAN)
ASSISTANT REGISTRAR

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