

IN THE HIGH COURT OF UTTARNCHAL AT NAINITAL

Writ Petition No. 723 of 2006 (S/S)

Bhaktdarshan Maindola
S/o Late Suraj Mani Maindola
Lab Attendant
Drug Testing Laboratory
Rishikul Government Ayurvedic College Pharmacy
HaridwarPetitioner

Versus

1. State of Uttaranchal through Secretary
Medical Education, Uttaranchal Shashan
Dehradun.
2. Director, Ayurved and Unani Services
Uttaranchal, Dehradun.
3. Principal/Superintendent
Rishikul Government Ayurvedic College Pharmacy
Haridwar.
4. Scientific Officer/Lab-Incharge
Drug Testing Laboratory
Rishikul Government Ayurvedic College Pharmacy
Haridwar.Respondents.

Sri V.K. Bisht, learned counsel for the petitioner.

Shri Harendra Belwal, Learned Standing Counsel for the respondents.

Hon'ble Prafulla C. Pant, J

Learned counsels for the parties are preset.

2. Heard.

3. The petitioner, who was engaged on consolidated salary with the Government Ayurvedic College, has sought his regularization in service.

4. In the counter affidavit, filed on behalf of the respondents, it is clarified that the engagement of the petitioner was made on contractual basis.

5. In view of the principle of law laid down in *Secretary, State of Karnataka Vs. Uma Devi, reported in (2006) 4 Supreme Court Cases, Pg. 01*, wherein it has been held that the contractual worker or those engaged on daily wages or the persons who get employed without undergoing regular selection process, should not be permitted to be absorbed or regularised against the constitutional scheme of public employment, this Court is not inclined to issue direction to regularize services of the petitioner as such, the petition is liable to be dismissed.

6. The writ petition is dismissed with the observation that the petitioner is at liberty to seek remedy, if any, available to him under the law. Interim order, if any, stands vacated. (All pending applications also stand disposed of).

(Prafulla C. Pant, J.)

Dt. 30.11.2006

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