

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

Writ Petition (S/S) No.2061 of 2014

Smt. Pushpa Karki

.....Petitioner

Versus

State of Uttarakhand & others

..... Respondents

**Hon'ble Sudhanshu Dhulia, J. (Oral)**

1. Mr. K.N. Joshi, Advocate present for the petitioner.
2. Mr. B.P.S. Mer, learned Brief Holder, present for the State of Uttarakhand/respondent nos. 1 to 3.
3. The petitioner is an Assistant Teacher in Government Primary School and now she claims promotion to the post of Assistant Teacher Junior High School i.e. Senior Elementary School (Class VI to Class VIII). The contention of the petitioner is that promotion has to be made from the Assistant Teacher Primary School on the basis of seniority subject to the rejection of unfit under the Rules known as Uttarakhand Government Primary Education (Teacher) Service Rules, 2012 yet these Rules have not been followed and the juniors to the petitioner were promoted to the post of Assistant Teacher Junior High School but the case of the petitioner was not considered by the respondent authorities.
4. In the counter affidavit, the case of the State is that the subject of petitioner is Hindi and therefore as and when the post of Assistant Teacher (Hindi) in the Junior High School is available, the petitioner will be promoted in accordance with law. Those teachers who have been junior to the petitioner and have been promoted are the ones who have different subjects for which posts were available.
5. In view thereof, the writ petition stands disposed with the direction to the authority concerned that as and when the post of Assistant Teacher (Hindi) in Junior High School is available, the case of the petitioner be duly considered in

accordance with the seniority rules following the principle of “catching up” since her juniors were promoted and the seniority of the petitioner will be considered on the basis of her seniority in the feeding cadre.

6. No order as to costs.

**(Sudhanshu Dhulia, J.)**

30.10.2015

Ankit