

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE NARAYAN SINGH DHANIK

WRIT PETITION (S/B) No. 492 OF 2021

30TH OCTOBER, 2021

Between:

Dr. Smt. Chetana Pokhriyal.

...Petitioner

and

State of Uttarakhand and others.

...Respondents

Counsel for the petitioner. : Mr. R.P. Nautiyal, the learned Senior Counsel assisted by Ms. Garima Thapa, the learned counsel.

Counsel for the respondents. : Ms. Mamta Bisht, the learned Deputy Advocate General with Mr. Vikas Pande, the learned Standing Counsel for the State of Uttarakhand.

The Court made the following:

JUDGMENT : (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

The petitioner has filed this Writ Petition, *inter alia*, on the ground that she has been appointed in the Doon University. However, as she is presently working with the M.K.P. (P.G.) College, H.N.B. University, she is

not being relieved so that she may join the Doon University.

2. By order dated 29.10.2021, this Court had directed the Principal of the M.K.P. (P.G.) College to appear before this Court through video conference. Therefore, today Ms. Rekha Khare, the Principal, appeared before this Court through video conference. She informed this Court that she does not have the power to relieve the petitioner. The power actually lies with the Authorized Controller / the Administrator. Since the Administrator is not available, the petitioner cannot be relieved.

3. This certainly creates a quixotic situation where due to the absence of the Administrator, the petitioner cannot be relieved. Yet, the petitioner has to join the Doon University by 02.11.2021.

4. In order to understand as to who could pass the relieving order, this Court directed Mr. P.K. Pathak, the Director, Higher Education, to appear before this Court through video conference. Consequently, he has appeared before this Court through video conference.

He informs this Court that in case this Court were to direct him to relieve the petitioner, he would pass the necessary orders.

5. Therefore, this Court directs Mr. P.K. Pathak, the Director, Higher Education, to immediately relieve the petitioner by passing the necessary orders so that she will be in a position to join the Doon University positively by 02.11.2021.

6. Let a certified copy of this judgment be issued to the learned counsel for the parties, on payment of the prescribed charges, today itself.

7. With these directions, this Writ Petition stands disposed of.

RAGHVENDRA SINGH CHAUHAN, C.J.

NARAYAN SINGH DHANIK, J.

Dt: 30th October, 2021
Rahul