



2024:UHC:8446-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE THE ACTING CHIEF JUSTICE MR. MANOJ
KUMAR TIWARI

AND

HON'BLE SRI JUSTICE VIVEK BHARTI SHARMA

13TH NOVEMBER, 2024

WRIT PETITION (S/ B) NO. 219 OF 2022

Khushbu Kholiya and another. Petitioners.

Versus

State of Uttarakhand and another. Respondents

Counsel for the petitioners : Mr. Shobhit Saharia, learned counsel.
Counsel for the respondent : Mr. Ashish Joshi, learned counsel for
respondent No. 2.

JUDGMENT : (per Mr. Manoj Kumar Tiwari, A.C.J.)

Petitioners possess M.Sc. Horticulture qualification.

They responded to an advertisement issued by Uttarakhand Public Service Commission, whereby applications were invited for appointment to various Group-B posts in Horticulture Department, including the posts of Assistant Director, Horticulture and Horticulture Development Officer. Both petitioners were declared ineligible for the post of Horticulture Development Officer on the ground that the qualification possessed by them do not meet the requirement of the Recruitment Rules applicable for the said posts. Thus, feeling aggrieved, petitioners approached this Court seeking the following reliefs:-

“a) Issue a writ, order or direction in the nature of mandamus directing the respondents to consider the candidature of the petitioners for being selected on the post of Horticulture



2024:UHC:8446-DB

Development Officer also and not to reject their candidature on the ground that the eligibility condition disclosed in advertisement was only B.Sc. (Agriculture).

b) Pass any suitable order or direction of any nature which this Hon'ble Court may deem fit and proper in the present circumstance of the case."

2. Mr. Shobhit Saharia, learned counsel for petitioners, has referred to Paragraph Nos. 7 and 8 of the short counter-affidavit dated 29.11.2022 filed by Mr. G.S. Rawat, Secretary, Uttarakhand Public Service Commission, Haridwar, which are extracted herein below:-

"7. That with regard to the petitioner no. 1 Khushbu Kholiya, the report of the expert committee reveals that on the basis of the educational qualification possessed by the petitioner, the expert committee found her eligible for the post of Assistant Director Horticulture (Post Code-21) and has found her ineligible for the post of Horticulture Development Officer (Post Code-23).

8. That with regard to the petitioner no. 2 Jyoti Bajeli, the report of the expert committee reveals that on the basis of the educational qualification possessed by her, the expert committee found her eligible for the post of Assistant Director Horticulture (Post Code-21) and has found her ineligible for the post of Horticulture Development Officer (Post Code-23)."

3. Based on the averments made in the short counter-affidavit, Mr. Shobhit Saharia, learned counsel for petitioners, submits that since Uttarakhand Public Service Commission has now declared both petitioners



2024:UHC:8446-DB

as eligible for appointment to the post of Assistant Director Horticulture (Post Code-21), therefore, the writ petition can be disposed of by directing the selecting body, i.e. Uttarakhand Public Service Commission to consider the candidature of petitioners for appointment as Assistant Director Horticulture based on their score of marks in the selection.

4. Mr. Ashish Joshi, learned counsel for Uttarakhand Public Service Commission, concedes to the said prayer and submits that the candidature of petitioners shall be considered for the post of Assistant Director Horticulture based on their performance in the written examination and the interview, as petitioners were permitted to participate in the interview pursuant to orders of this Court.

5. Therefore, we dispose of the instant writ petition with a direction to Secretary, Uttarakhand Public Service Commission to declare the result of petitioners and to process their names as per their ranking in the selection.

MANOJ KUMAR TIWARI, A.C.J.

VIVEK BHARTI SHARMA, J.

Dt: 13th November, 2024
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