



2024:UHC:8453-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. 300 OF 2022

Suchita Joshi

.....Petitioner

Versus

State of Uttarakhand and another. Respondents

Counsel for the petitioner : Mr. Dushyant Mainali, learned
counsel.

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

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

Petitioner's candidature for the post of Statistical Officer, Horticulture was rejected by Uttarakhand Public Service Commission on the ground that she does not possess the requisite qualification for the said post. Challenging the decision taken by Uttarakhand Public Service Commission, petitioner filed this writ petition in the year 2022. An interim order was passed in favour of petitioner on 13.06.2022 that she shall be provisionally permitted to participate in the main examination. However, her result was not to be declared without leave of this Court.

2. A counter-affidavit has been filed by Mr. Giridhari Singh Rawat, Secretary, Uttarakhand Public Service Commission. Paragraph No. 6 of the said counter-affidavit is extracted herein below:-

"6. That at the time of submission of online application form for the Uttarakhand Combined



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State Civil / Upper Subordinate Service Examination-2021 the petitioner has claimed her qualification in the online application form Graduation (B.Sc.) Physics, Statistics, Mathematics and in Post Graduation (M.Sc.) Statistics. A photocopy of the online application form of the petitioner is being annexed as Annexure No. CA-1 to this affidavit.

In the advertisement dated 10.08.2021 the post of Statistical Officer (Horticulture and Food Processing Department) was advertised and a perusal of the advertisement which is annexed as Annexure No. 1 to the writ petition at serial no. 28 the essential qualification for the post of Statistical Officer has been given and has been published by the Commission on the basis of the requisition send by the State Government and concerned rules. The essential qualification for the post of Statistical Officer is –“the candidate must have the graduation with the subject mathematics or Mathematical Statistics or Statics and having minimum two years course of Post Graduation in Statistics (Mathematical) from any recognized statistical Institute or University.” It is relevant to mention here that in the advertisement in point no. 16 of general direction it has been specifically mentioned that at the time of filling up of the form the candidate must ensure that he / she is eligible as per the conditions advertised in the advertisement. A photocopy of the relevant part of condition no. 16 of the advertisement is being annexed as Annexure No. CA-2 to this affidavit. As mentioned above it is clear that the petitioner is not having the essential educational qualification for the post of Statistical Officer and as such the name of the petitioner has not been considered by the Commission at the time of declaring the result of the preliminary examination. From what has been stated above, it is clear that the prayer sought by the petitioner is not maintainable in the eyes of law hence the writ petition is liable to be dismissed.”

3. Mr. Ashish Joshi, learned counsel appearing for Commission, submits that cases of all such candidates,



who were declared to be ineligible, were referred to Expert Committee constituted by the State Government, and after examining all relevant aspects, the Committee has opined that the qualification possessed by petitioner does not meet the requirement of the Recruitment Rules and M.Sc. (Statistics) degree possessed by petitioner cannot be treated as equivalent qualification of M.Sc. Mathematical Statistics degree.

4. Since the Expert Committee has taken a decision against petitioner, therefore, we cannot sit in Appeal over the decision taken by the Expert Committee.

5. Mr. Dushyant Mainali, learned counsel for petitioner, also very fairly concedes that the Committee has taken a decision against petitioner.

6. In such view, there is no scope for interference as this Court, while exercising the power of judicial review under Article 226 of the Constitution of India, cannot sit in Appeal in academic matters over the report of the Expert Committee.

7. The instant writ petition is, accordingly, dismissed.

MANOJ KUMAR TIWARI, A.C.J.

VIVEK BHARTI SHARMA, J.

Dt: 13th November, 2024
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