



2024:UHC:7608-DB

HIGH COURT OF UTTARAKHAND AT
NAINITAL

HON'BLE THE ACTING CHIEF JUSTICE SRI MANOJ KUMAR TIWARI

AND

HON'BLE SRI JUSTICE VIVEK BHARTI SHARMA

WRIT PETITION (S/B) NO. 640 OF 2024
15TH OCTOBER, 2024

Abhilash Gairola

.....Petitioner.

Versus

Uttarakhand Public Service Commission Respondent.

Counsel for the Petitioner : Ms. Manisha Bhandari and
Ms. Ishita Dhaila, learned
counsels.

Counsel for the Respondent : Mr. Ashish Joshi, learned
counsel.

The Court made the following:

JUDGMENT:(per Hon'ble The Acting Chief Justice Sri Manoj Kumar Tiwari)

By means of this writ petition, petitioner has
sought the following relief:-

"i. Issue a writ order or direction in the nature of mandamus commanding the respondent to consider the candidature of the Petitioner herein in the further stages for examination of "Uttarakhand Combined State (Civil) Senior Service Examination- 2024" for which the Petitioner herein has qualified the Pre-examination and is being barred to appear in the Mains-examination for the same."

2. It is not in dispute that petitioner participated in the Preliminary Examination of Uttarakhand Combined State (Civil) Senior Service Examination- 2024, held on 14.07.2024, in which, he was declared successful. Since the petitioner could not deposit the



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fees for mains examination, therefore, he has been denied the opportunity to participate in the mains examination. Thus, feeling aggrieved, petitioner has approached this Court seeking the afore-mentioned relief.

3. Learned counsel for the petitioner contends that result of preliminary examination was declared on 28.08.2024, and on 03.08.2024, petitioner was blessed with a child. Thereafter, due to the treatment of his child for infantile colic disease between 16.09.2024 to 20.09.2024, the petitioner remained pre-occupied with the hospital, and therefore, he could not deposit the mains examination fees on or before the last date, i.e. 21.09.2024. It is further contended that the petitioner, who is serving as Transport Tax Officer in Transport Department of the State Government, was assigned duties of conducting survey in remote areas of District Nainital between 13.09.2024 till 21.09.2024. Therefore, petitioner could not deposit the fees for mains examination with the examining body, i.e. Uttarakhand Public Service Commission. Thus, it is contended that the petitioner deserves leniency in the matter, and the Selecting Body needs to be directed to accept the fees from the petitioner for mains examination even after expiry of the last date.



4. Per contra, Mr. Ashish Joshi, learned counsel appearing on behalf of Selecting Body, submits that the Uttarakhand Public Service Commission issued notification on 02.09.2024 asking the candidates declared successful in preliminary examination to fill form for mains examination, and also to deposit mains examination fees, between 07.09.2024 to 21.09.2024; thereafter, SMS was also sent to the petitioner on 09.09.2024 on his registered mobile number asking him to deposit the fees for mains examination, on or before the last date, however, the petitioner did not respond either to the notification, or to the SMS. He further submits that the explanation offered by the petitioner regarding birth of his child is also lame, as according to the petitioner, his child was born on 03.08.2024, while the last date for depositing fees for mains examination was 21.09.2024, and between this period, the petitioner also discharged his official duties as Transport Tax Officer in remote areas of District Nainital. He further submits that fees could have been deposited by the petitioner through Net Banking, Debit Card, Credit Card/ UPI, therefore, the contention raised on behalf of the petitioner that due to pre-occupation with the illness of his child, or discharging of his official duties, is not acceptable.



5. We find substance in the contention raised on behalf of the respondent- Uttarakhand Public Service Commission that the petitioner had sufficient time to deposit fees for mains examination, and despite the SMS sent to him, he failed to deposit the fees. Therefore, any interference in the matter, at this stage, when the mains examination is scheduled to be held on 16.11.2024, would be unwarranted, and would derail the selection process.
6. The writ petition fails, and is accordingly, dismissed.
7. Pending application, if any, also stands disposed of.

(MANOJ KUMAR TIWARI, A.C.J.)

(VIVEK BHARTI SHARMA, J.)

Dated: 15th October, 2024
NISHANT

NISHANT
KUMAR

Digitally signed by NISHANT KUMAR
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