



IN THE 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. 704 OF 2024

14TH NOVEMBER, 2024

Himanshu Tomar Petitioner

Versus

State of Uttarakhand & another Respondents

Counsel for the petitioner : Mr. K.P. Upadhyay, learned Senior Counsel assisted by Mr. Yogesh Pant, learned counsel

Counsel for the respondents : Mr. K.N. Joshi, learned Deputy Advocate General for the State

: Mr. Navnish Negi, learned counsel for respondent No. 2

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 reliefs :

“(i) To pass appropriate writ, order or direction in the nature of certiorari to quash the impugned



2024:UHC:8502-DB

notification issued by the respondent no. 2 on 04.11.2024 (contained as Annexure No. 3) whereby syllabus for final examination, in respect of Hindi stream aspirants, has been revised just 11 days prior to the final examination; along with writ order or direction in the nature of mandamus directing the respondent no. 2 not to include questions in the main examination from the topics added by way of notification dated 04.11.2024.

(ii) In alternate a writ, order or direction in nature of mandamus directing the respondents to postpone the date of examination for at least two months to enable the Hindi stream aspirants to prepare newly added topics in the syllabus of final examination.”

2) Petitioner responded to an advertisement issued by the Uttarakhand Public Service Commission on 14.03.2024. By the said advertisement, applications were invited from eligible persons for appointment on various Group ‘B’ and Group ‘C’ posts under the State. The selection process is of three stages, consisting a preliminary examination followed by the mains examination, and thereafter interview. Petitioner has qualified the preliminary examination. Now, mains examination is scheduled to be held from 16.11.2024.



3) Grievance raised by the petitioner is that syllabus for candidates who have chosen Hindi as a medium for final examination has undergone a change vide Notification dated 04.11.2024. Petitioner contends that the manner in which new topics have been added in the syllabus for Hindi medium candidates will mar their chance of success as they cannot be expected, twelve days before mains exam, to get ready with the new topics / subjects within less than two weeks, before mains exam and this is an indirect method of giving benefit to candidates who have chosen English as medium of examination.

4) Learned counsel appearing for Uttarakhand Public Service Commission, however, submits that topics which have now been added in the syllabus for Hindi medium candidates were already there in the syllabus for candidates who had chosen English as medium of examination, and the impugned notification dated 04.11.2024 was issued to bring about parity in English and Hindi version of the syllabus and there is in fact no change in syllabus for any candidate.

5) Learned Senior counsel appearing on behalf of petitioner contended that since petitioner chose Hindi as a medium of examination, therefore, he did not refer to the



English version of the syllabus, by treating the Hindi version as encompassing whole of syllabus, therefore, topics which have now been included in Hindi version of the syllabus were not prepared by him, and also by other similarly situated persons. Thus, he submits that Hindi medium candidates are being taken by surprise by adding new topics in the syllabus soon before the final examination, and since there is fierce competition in the mains examination in which about 3000 candidates would be competing for 189 posts, a small difference in marks, even by a small fraction, would change the result of candidates. Thus, he submits that inclusion of new topics in Hindi version of the syllabus for final examination would be unjust and unfair for candidates who chose Hindi as medium for examination.

6) Mr. Navnish Negi, learned counsel appearing for the Uttarakhand Public Service Commission, was given time to get instructions in the matter. On instructions, he submits that with a view to give reasonable time to candidates who have chosen Hindi as a medium for mains examination, the Commission has taken a considered decision to defer the date fixed for holding mains examination by minimum fifteen days time so that Hindi



2024:UHC:8502-DB

medium candidates may prepare the new topics as per the revised syllabus impugned in the writ petition.

7) The offer made by Mr. Negi on behalf of Uttarakhand Public Service Commission appears to be reasonable. Since petitioner's grievance is that he has no time left to prepare the topics included in the syllabus by the impugned notification, therefore, he would be getting minimum fifteen days additional time for preparing the new topics added in Hindi version of the syllabus, for final examination.

8) We, accordingly, dispose of the writ petition by taking statement made by Mr. Navnish Negi, Advocate, on record. However, petitioner shall be at liberty to represent before Uttarakhand Public Service Commission for seeking further time, if so advised.

MANOJ KUMAR TIWARI, A.C.J.

VIVEK BHARTI SHARMA, J.

Dt: 14TH NOVEMBER, 2024
Negi

HIMA
NSHU
NEGI

Digitally signed by
HIMANSHU NEGI
DN: c=IN, o=HIGH COURT
OF UTTARAKHAND,
ou=HIGH COURT OF
UTTARAKHAND,
2.5.4.20=bb3b60774012c1
ef1dae20d13aaf116e73351
fdaf6878326386908a7f90d
5757, postalCode=263001,
st=UTTARAKHAND,
serialNumber=75BD9D0FB
7F4A80990FC51A722A6BC
552D470EB4FD2F88DDF7C
18DB2A1524A4D,
cn=HIMANSHU NEGI
Date: 2024.11.20 18:33:55
+05'30'



2024:UHC:8502-DB