



2025:UHC:2947-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

**HON'BLE JUSTICE SRI MANOJ KUMAR TIWARI AND
HON'BLE JUSTICE SRI ASHISH NAITHANI**

Delay Condonation Application (CLMA/14208/2017)

In

Special Appeal No. 910 of 2017

State of Uttarakhand and others

-Appellants

Versus

Smt. Karuna

--Respondent

Presence:-

Mr. Puran Singh Bisht, Additional CSC for the State/appellants

Mr. Rajendra Singh Azad, Advocate for the respondent

The Court made the following:

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

1. There is delay of 153 days in filing this intra-Court appeal. Reasons furnished in the delay Condonation application are sufficient to condone the delay in filing the appeal. Accordingly, Delay Condonation Application (CLMA/14208/2017) is allowed and the delay in filing the Appeal is condoned.

2. This intra Court appeal is filed challenging judgment and order dated 03.05.2017, passed by learned Single Judge in Writ Petition (S/S) No. 1480 of 2016. The impugned judgment is reproduced below for ready reference:

“Petitioner participated in the selection process for the post of Assistant Teacher as per the advertisement dated 17.02.2016. The case of the petitioner was rejected merely on the ground that she has not quoted the marks obtained by her in graduation in the prescribed columns.

The attention of this Court has been drawn towards Annexure No.8. It is evident from Annexure No.8 that the petitioner has filled up the form correctly.

She has quoted 1350 marks as total marks and 697 marks as secured marks.

Petitioner's case has been rejected by the



respondents in a very arbitrary and unreasonable manner. She is deprived of seeking public employment. She obtained 63.23 quality marks. Persons who have secured lesser quality marks than the petitioner have been considered for appointment to the post of Assistant Teacher.

Accordingly, the writ petition is disposed of with the direction to the respondents to consider the case of the petitioner to the post of Assistant Teacher on the basis of her quality marks i.e. 63.23 quality marks within a period of ten weeks from today.

Pending application, if any, also stands disposed of.”

3. Mr. Puran Singh Bisht, learned State counsel for the appellants submits that writ petitioner had given incorrect information in her application, submitted pursuant to advertisement dated 17.02.2016. He submits that maximum marks for B.A. examination, passed by writ petitioner were 1350 and petitioner had scored 697 marks in graduation; however, in her application form she mentioned the maximum marks for graduation as 1300.

4. Learned State Counsel submits that in the advertisement, whereby applications were invited for appointment to the post of Assistant Teacher (Primary), there was a specific stipulation made in Clause 7-i(*jha*) that candidate shall be responsible for incorrect/erroneous/vague information given in the application and such application or incomplete application shall be rejected. Thus, learned State Counsel submits that by invoking Clause 7-i(*jha*) of advertisement, application of the writ petitioner was rightly rejected as she had submitted incorrect information and interference made by learned Single Judge was, therefore, not warranted.

5. We find substance in the said submission. Since there is a clear stipulation made in the advertisement



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that application form shall be liable to be cancelled for supplying any incorrect information, and the condition mentioned in Clause 7-i(*jha*) of the advertisement is applicable across the board to all candidates and, learned State Counsel submits that as many as 757 applications were rejected only on this ground that information submitted by candidate was not correct, therefore, interference made by learned Single Judge was not warranted in the facts and circumstances of the case. The sanctity of the selection process cannot be permitted to be polluted by the candidate by furnishing incorrect information in their application.

6. We, accordingly, allow the Appeal, set aside the impugned judgment, rendered by learned Single Judge.

MANOJ KUMAR TIWARI, J.

ASHISH NAITHANI, J.

Dt: 23rd April, 2025
Mahinder