



2025:UHC:3351-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

Special Appeal No. 205 of 2016

01 May, 2025

JUSTICE SHRI MANOJ KUMAR TIWARI

AND

JUSTICE SHRI VIVEK BHARTI SHARMA

Secretary, Uttarakhand Board of Technical Education,
Govt. Polytechnic, Pitthuwala Campus, Dehradun

--Appellant

Versus

Sri Pramod Rana & Others

--Respondents

Presence:-

Ms. Neeti Rana, learned counsel appearing for appellant.

Mr. D. S. Bora, learned Standing Counsel for the State.

JUDGMENT: (per Shri Manoj Kumar Tiwari, J.)

This appeal has been filed by Uttarakhand Board of Technical Education challenging the judgment and order dated 04.01.2016 passed in Writ Petition (S/S) No. 790 of 2014.

2. Uttarakhand Board of Technical Education held selection process for the post of Computer Programmer and Computer Operator. The writ-petitioners (respondents herein) participated in the said selection, however, they were declared to be ineligible for want of essential qualification. Feeling aggrieved, they filed Writ Petition (S/S) No. 790 of 2014.



3. Learned Single Judge allowed the writ petition by holding that qualification possessed by the writ-petitioners is sufficient for the appointment. Operative portion of the impugned judgment is reproduced below:-

“4. In the counter affidavit the stand of the respondents is that the petitioners have qualification which is higher than what was being sought. This is not the case where qualification 'A' was being sought and the petitioners have qualification 'B' or 'C' i.e. something entirely different. They have the same qualification, in fact more than the minimum required. The requirement was that the candidate must have at least one year Diploma in Computer Application, which would mean that those who have done more than one year Diploma or even Degree in Computer Application are also eligible.

5. In view thereof, the writ petition, therefore, succeeds. The respondents are directed to give appointment to the petitioners, subject to the verification of the documents of the petitioners and satisfaction on other aspects.

6. This Court has been apprised by the petitioners that 28 posts of Computer Programmer/Operator were advertised out of which only 8 posts have been filled and other posts are still lying vacant with the department. Consequently, there is no occasion to pass any direction for removal of private respondents, in case they have already joined their services.”

4. This intra-court appeal is filed by Uttarakhand Board of Technical Education challenging the judgment rendered by learned Single Judge in Writ Petition (S/S) No. 790 of 2014.



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5. In advertisement, the qualification required for the post of Computer Programmer/Operator in Technical Education Department and Uttarakhand Board of Technical Education, was that a candidate should possess Bachelor Degree and he should have at least one year Diploma in Computer Application. Qualification possessed by the writ-petitioners was higher than one year Diploma in Computer Application.

6. Learned Single Judge, therefore, held that writ-petitioners are eligible as what was required was that the candidate should have at least one year Diploma in Computer Application.

7. We, therefore, find no reason to interfere with impugned judgment. The Special Appeal is, therefore, disposed of with direction to the Selection Body to consider candidature of writ-petitioners (respondents herein) for appointment as Computer Programmer/Operator in Technical Education Department/Uttarakhand Board of Technical Education, provided the marks scored by them entitle them for such appointment.

(Vivek Bharti Sharma, J.)

01.05.2025

(Manoj Kumar Tiwari, J.)

01.05.2025

SS/Akash