

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/S) No. 2339 of 2025

Suresh Singh Lunthi and others Petitioners

Versus

State of Uttarakhand and others Respondents

Present:

Mr. M.C. Pant, Advocate for the petitioners through video conferencing.

Mr. Ganesh Kandpal, D.A.G. for the State.

Ms. Stuti Pandey, Advocate, holding brief of Mr. Ramji Srivastava, Advocate for the respondent no.3

Hon'ble Ravindra Maithani, J.(Oral)

The petitioners seek direction to the respondent no.2/the Director General, Medical Health, Dehradun ("the Director General") to amend the requisition dated 26.09.2025 by deleting 11 post of Nursing Officer from the new selection process with further direction to the respondent no.3/Uttarakhand Medical Service Selection Board, Dehradun ("the Board") to prepare a fresh waiting list by including the names of all eligible candidates on the basis of their respective merit, while taking into consideration the request made by the respondent no.2/ the Director General on 18.11.2025.

2. Heard learned counsel for the parties and perused the record.

3. The respondent no.3/the Board issued an advertisement on 11.03.2024 for appointment to the post of Nursing Officer, by way of direct recruitment. On 14.12.2024, the final result was declared. Thereafter, on 26.09.2025, fresh requisition was sent to the respondent

no.2/the Director General to the respondent no.3/the Board for recruitment of 587 posts of Nursing Officers. It so happened that when the requisition was still pending with the respondent no.3/the Board, the respondent no.2/ the Director General made a communication to the respondent no.3/the Board that pursuant to the advertisement made in the year 2024, 4 candidates had requested for rejection of their candidature, 5 candidates have already joined in other departments and candidature of two candidates deserve to be rejected which means the candidature of 11 candidates deserve to be rejected pursuant to the advertisement dated 11.03.2024. A request was made that fresh waiting list may be prepared.

4. Learned counsel for the petitioners submits that the petitioners did apply against the advertisement dated 11.03.2024, issued by the respondent no.3/the Board. The selection was to be done on the basis of passing year of the qualifying examination. The waiting list pursuant to the advertisement dated 11.03.2024 was prepared much later. The candidature of 11 selected candidates was to be rejected. Therefore, the respondent no.2/the Director General made a request to the respondent no.3/the Board to prepare the waiting list on 18.11.2025. Learned counsel for the petitioners would submit that the respondent no.3/the Board may be directed to take decision on it. Learned counsel for the petitioners also submits that if there were candidates, whose candidature was to be rejected, it ought to have been rejected on time, so that next candidate could have been afforded an opportunity to get the appointment.

5. Learned State counsel submits that the Uttarakhand Selection List and Waiting List of Selected Candidates in Government

Services on the Basis of Selections Made By the Commission/Selection Institutions By Conducting Competitive Examinations and Other Selections Rules, 2023 (“the 2023 Rules”) has been notified on 10.10.2023. It provides that the waiting list may be in operation for one year or till the requisition is sent. He submits that the wait list cannot be prepared or may not be effected post 26.09.2025, when fresh requisition was sent by the respondent no.2/the Director General to the respondent no.3/the Board. Learned State counsel also submits that now wait list cannot be prepared because requisition for the recruitment of Nursing Officer had already been sent by the respondent no.2/the Director General on 26.09.2025 to the respondent no.3/the Board and an advertisement has already been issued on 17.11.2025.

6. Pursuant to an advertisement dated 11.03.2024, the selections have already over. For next selection, the respondent no.2/the Director General has sent the requisition on 26.09.2025. According to Rule 6 of the 2023 Rules, the waiting list cannot be effective post sending of the requisition, which means, even if, any waiting list was prepared after preparation of the merit list pursuant to the advertisement dated 11.03.2024, that also comes to an end, the moment requisition was sent on 26.09.2025.

7. The issue in the instant case is beyond that. In fact, candidature of 11 candidates, who were selected pursuant to the advertisement dated 11.03.2024, by the respondent no.3/the Board were to be rejected. The respondent no.2/the Director General made a communication on 18.11.2025 to the respondent no.3/the Board requesting for preparation of the waiting list. Wait list cannot be prepared post fresh requisition, which was sent on 26.09.2025. In fact,

in the instant case, the advertisement had already been issued on 17.11.2024.

8. Having considered, this Court is of the view that, there is no reason to make any interference. Accordingly, the writ petition deserves to be dismissed.

9. The writ petition is dismissed.

(Ravindra Maithani, J.)
31.12.2025

Jitendra