



2026:UHC:3247-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

29th April, 2026

Special Appeal No. 104 of 2026

Surendra Singh and another -----Appellants

Versus

State of Uttarakhand and others -----Respondents

Presence:-

Mr. Vinay Kumar and Mr. Ankit Bisht, learned counsel for the appellants.

Mr. M.S.Bisht, learned Standing Counsel for the State.

Mr. Pankaj Migalni, learned counsel for the respondent no.2/Uttarakhand Public Service Commission.

Mr. Sandeep Tiwari, learned counsel for the respondents no. 3 & 4.

Mr. Hari Mohan Bhatiya, learned counsel for the respondent no. 6.

JUDGMENT: (per Manoj Kumar Gupta, C.J.)

1. The present *intra court* appeal is directed against the order and judgment of learned Single Judge dated 16.03.2026 in WPSS No. 577 of 2019, whereby the writ petition filed by the appellants has been dismissed. In the writ petition, the appellants have sought the following reliefs:

“(i) Issue a writ, order or direction in the nature of mandamus directing the respondent Uttarakhand Public Service Commission to treat the Option ‘A’ (Coolant) of Question No. 98 of SET-B/Question No. 48 of SET-D given by the petitioners as a correct answer key and accordingly, award 1.25 marks to



the petitioners and consequently revised the total marks allotted to the petitioners.

(ii) Issue a writ, order or direction in the nature of Mandamus directing the respondents to withdraw the recommendations made in favour of the private respondent no.3 & 4 on the post of Assistant Review Officer, Uttarakhand Public Service Commission and Review Officer, Uttarakhand Secretariat respectively and on the consequent vacancies recommend the names of the petitioners, as per their merit position after revision of the total marks.”

2. The appellants appeared in the selection process for the post of Assistant Review Officer and Review Officer, pursuant to advertisement issued by Uttarakhand Public Service Commission on 05.04.2016, however their names did not figure in the final select list and feeling aggrieved, they preferred the writ petition.

3. The case of the petitioners in the writ petition was that they exercised option 'A' in respect of question No. 98 of the written examination, which was a multiple choice question. It was the correct answer but the Selection Commission treated option 'B' as the correct answer. Thus, the case of the appellants was that in case option 'A' exercised by them, is held to be correct, the appellants would get 1.25 more marks and which is



sufficient to make them successful in the recruitment. However, the learned Single Judge has held that the writ court cannot interfere with the opinion of the expert body and further that the selection in question was held pursuant to the advertisement issued in 2016 and the selection process was concluded in 2019. All the successful candidates were appointed in 2019 and thereafter, another selection was advertised in 2023 and it was also concluded in the 2025. Thus, at this stage, it would not be proper to disturb the selection held in the year 2016.

4. Learned counsel for the appellants submits that the opinion of the experts is not supported by any document, whereas the appellants have placed on record an extract downloaded from the website of Government of India, Department of Atomic Energy, Heavy Water Board, according to which, both options, 'A' and 'B' would be correct. It is urged that in such circumstances, the question should have been deleted and full marks should have been given to all the candidates.

5. In order to appreciate the controversy, we reproduce question no. 98 and the given options:



(a) *Coolant* (b) *Moderator*
(c) *Kind of medicine* (d) *Fuel "*

“Heavy Water Board (HWB), a constituent unit of Industries and Minerals Sector under Department of Atomic Energy, is primarily responsible for production of Heavy Water (Deuterium Oxide- D_2O), which is used as a ‘moderator’ and ‘coolant’ in the nuclear power as well as research reactors.”

8. On the other hand, the expert body of the Uttarakhand Service Selection Board, which comprised of experts from different fields, opined that the correct answer was option 'B' i.e. Moderator. Along with the opinion of the expert body, the Commission has brought on record the extract from the Text Book in Organic Chemistry, (Principle of Inorganic Chemistry) by Puri, Sharma and Pathania, which states the uses of Heavy Water *inter alia* as follows"



“Use of Heavy Water.1. Heavy water is used for slowing down the fast moving neutrons. Neutrons are used for bringing about fission of uranium atoms. But, for this purpose their speed should be slowed down. This is done by passing them through heavy water.”

9. Mr. Pankaj Miglani, learned counsel for the Commission submits that the text book is a standard book being used by Teachers to teach inorganic chemistry to the students and according to it, one of the uses of Heavy Water is to slow down the speed of atomic reaction and thus, it is used as a ‘moderator’. It is urged that the decision of Commission is based on opinion of experts and therefore, it should not be interfered with by the Court.

10. Learned counsel for the Public Service Commission has cited the judgment of Supreme Court in *Ran Vijay Singh vs. State of U.P.*, AIR 2018 SC 52 in support of his submission. According to it, the opinion of the expert body has to be given due reference.

11. The text book on basis of which, the expert body held option ‘B’ to be correct is indisputable, a standard text book in Organic Chemistry prescribed for imparting instructions in the said subject. Even if, we accept the submission of the learned counsel for the



2026:UHC:3247-DB

appellant that both options 'A' and 'B' would be correct, undoubtedly, the opinion of the expert body was also correct and in the facts of the present case, where the selection process was completed way back in the year 2019 and since thereafter fresh selection was also held and duly concluded in 2025, we completely concur with the view taken by learned Single Judge there should be no interference at this stage.

12. The appeal is dismissed.

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

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 29.04.2026
Kaushal