



IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL

Writ Petition (S/B) No. 237 of 2026

Anirudh Naithani

... Petitioner

Versus

Secretary, Uttarakhand Public Service
Commission & Others

... Respondents

Mr. Vinodanand Barthwal, Advocate, for the petitioner.
Mr. Pankaj Miglani, Advocate, for Uttarakhand Public Service
Commission.
Mr. Rajeev Singh Bisht, Deputy AG, for the State.

J U D G M E N T

Hon'ble Manoj Kumar Tiwari, J.
Hon'ble Siddhartha Sah, J.

(Per: Hon'ble Manoj Kumar Tiwari, J.)

Uttarakhand Public Service Commission issued an advertisement in the year 2012, inviting applications from eligible persons for participating in a selection for different Group B and Group C posts known as 'Uttarakhand Combined Civil Services Examination'. Petitioner submitted application pursuant to that advertisement and claimed reservation which was available to *Rajya Andolankaris*. As per the advertisement, *Rajya Andolankaris* were entitled to reservation in State Services to the extent of 10%. According to the petitioner, since 140 vacancies on different posts were advertised, for which combined selection was held, therefore, out of those 140 vacancies, 14 were meant to be filled by *Rajya Andolankaris*. Since petitioner was



not selected/recommended for appointment to any post, therefore, he has approached this Court in 2026 seeking the following reliefs:

“i) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no. 1 to declare the result of the petitioner in the light of the 10% horizontal reservation as provided in the State of Uttarakhand for Rajya andolankari dependents act 2023 dated 18..08.2024. (Annexure no. 4 from page no. 21 to page no. 38)

ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no. 1 to decide the representation of petitioner in a time bound manner in order to avoid undue hardships to the petitioner.”

2. It is not in dispute that by judgment rendered in Writ Petition (PIL) No. 67 of 2011, reservation given to *Rajya Andolankaris* in State Services was declared as illegal. It is also not in dispute that Division Bench of this Court in Writ Petition (PIL) No. 67 of 2011 passed an interim order on 26.8.2013, restraining the State from giving any further appointment on the basis of the policy/rules being subject matter of the writ petition. It is not in dispute that reservation given to *Rajya Andolankaris* by Government Orders issued in 2004, was under challenge in Writ Petition (PIL) No. 67 of 2011.

3. Process of selection initiated by the advertisement in question was affected by the



interim order dated 26.8.2013, passed in Writ Petition (PIL) No. 67 of 2011, which is apparent from the final result declared on 27.7.2017, where it is mentioned that the result of posts reserved for *Rajya Andolankaris* would be subject to final outcome of Writ Petition (PIL) No. 67 of 2011. Since the benefit of reservation given to *Rajya Andolankaris* in State Services was declared to be illegal, therefore, in view of the stipulation made in the final result, the claim of the petitioner for appointment against reserved vacancy got extinguished.

4. Learned Counsel for the petitioner would rely upon a legislation, which is known as “The Uttarakhand Reservation In Government Service For The Identified Andolankari Of Uttarakhand State Movement Or Their Dependants Act, 2023”. Learned Counsel relies upon Section 5 of the said Act, which reads as under:

Savings. 5(1) “*The selections/appointments of the State andolankari made to different Government services/posts as per the government order issued on 11th of August 2004 or thereafter, shall be deemed to be valid selections/appointments under this Act.*”

5. Learned Counsel for the petitioner would submit that Section 5(1) has the effect of reviving the claim of persons like the petitioner, who participated in the selection but, because of



the judgment rendered in Writ Petition (PIL) No. 67 of 2011, their result was not declared.

6. We are not impressed by the said contention. Section 5(1) of the aforesaid Act protects persons who were appointed, on the strength of reservation given to *Rajya Andolankaris*, as in the absence of Savings Clause, their appointment would come under cloud. Section 5(1), however, does not come to the aid of the petitioner, as he was neither selected nor appointed and his candidature as *Rajya Andolankari* was also subject to outcome of Writ Petition (PIL) No. 67 of 2011. Since Writ Petition (PIL) No. 67 of 2011 was decided against *Rajya Andolankaris*, therefore, petitioner lost whatever right he had under the then existing policy. By enacting a legislation, State may provide reservation to *Rajya Andolankaris* in State Services in future selections, however such legislation will not result in automatic revival of the claim of the petitioner for appointment, which got extinguished in view of the judgment rendered in Writ Petition (PIL) No. 67 of 2011. Thus there is no scope for interference in the matter. Writ petition fails and is dismissed.

(Siddhartha Sah, J.)

(Manoj Kumar Tiwari, J.)

27.4.2026

Pr

PRABODH
KUMAR