



HIGH COURT OF UTTARAKHAND AT NAINITAL
Writ Petition Service Bench No. 399 of 2022

HON'BLE SRI MANOJ KUMAR TIWARI
 AND
 HON'BLE SRI JUSTICE PANKAJ PUROHIT
06 August, 2026

Suvrata Prgaien

... Petitioner

Versus

State Of Uttarakhand & others

... Respondents

With

Writ Petition (S/B) No. 202 of 2022

Presence:-

Mr. T.A. Khan, learned Senior Counsel assisted by Ms. Sheeba Ahmed, with Mr. H.C. Joshi, learned counsel for the petitioners.

Mr. S.S. Chaudhary, learned Standing Counsel for the State of Uttarakhand.

Mr. Ashish Joshi, learned counsel for the respondent-Uttarakhand Public Service Commission.

Hon'ble Manoj Kumar Tiwari, J.

Hon'ble Pankaj Purohit, J.

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

JUDGMENT

1. Since common questions of law and fact are involved in both the petitions, therefore, they are being heard and decided together. However, for the sake of brevity and convenience, facts of WPSB No. 399 of 2022 alone are being considered and discussed.

2. Uttarakhand Public Service Commission (*in short 'Commission'*) issued advertisement dated 10.08.2021 inviting applications from eligible candidates for Uttarakhand Combined State (Civil) Upper Subordinate Service Examination-2021, for appointment against vacancies available on various posts. Out of the vacancies so notified, one vacancy



each was reserved for dependants of freedom fighters (in short 'DFF') in the following posts (i) Finance Officer, (ii) Block Development Officer & (iii) Deputy Education Officer. Petitioner responded to the said advertisement and claimed benefit available to DFF.

3. According to petitioner, in the admit card issued to her, it was mentioned that she belongs to Unreserved/Dependant of Freedom Fighter (DFF)/Uttarakhand Female category; the preliminary examination was held on 03.04.2022 and result thereof was declared on 26.05.2022 and the same day, cut-off mark for different categories was declared by another notification, however, it was silent regarding cut-off mark in respect of DFF. Petitioner contends that as per the advertisement, reservation was available to DFF, therefore, that benefit could not have been unilaterally withdrawn or rules of game cannot be changed midway, that too, without notice to the candidates.

4. In para 15 of the writ petition, it is mentioned that there was no corrigendum issued by the Commission regarding change in the number of vacancies, reserved for dependants of freedom fighter, therefore, Commission is bound to declare the result as per the break-up of vacancies given in the advertisement dated 10.08.2021.

5. Petitioner has challenged the result of preliminary examination declared by Commission on 26.05.2022. She has also challenged the notice, regarding cut-off mark for different categories, issued



by the Commission on 26.05.2022. The reliefs sought in the writ petition are reproduced below for ready reference:-

- I. To issue a writ order or direction in the nature of certiorari quashing the result declared by the respondent no. 2 on 26-05-2022, bearing notice no. 27/01/PCS Pre-21/G-02/2022-23 (Annexure No. 1).
- II. To issue a writ order or direction in the nature of certiorari certiorari quashing of the notice of Cut off Marks, bearing no. 27/03/PCS Pre-21/G-02/2022-23, dated 26-05-2022 (Annexure No. 2) as well as the amended notice of Cut off Marks bearing no. 29/03/PCS Pre-21/G-02/2022-23, dated 30-05-2022 (Annexure No. 2).
- III. To issue a writ, order or direction in the nature of mandamus, commanding the respondents to declare the results of the selected candidates of the category to the Dependents of Freedom Fighters (DFF) in preliminary examination in "Uttarakhand Combined State (Civil) Upper Subordinate Service Examination-2021", in to the pursuance advertisement bearing no. A-1/E-1/PCS-20-21/21-22, dated 10-08-2021 (Annexure No. 3).

6. Petitioners had not qualified for appearing in the mains examination. Coordinate Bench vide order dated 29.07.2022 permitted them to participate in the mains examination and pursuant to that order, petitioners appeared in the mains examination.

7. As per counter affidavit filed on behalf of Commission, pursuant to requisition sent by State Government on 23.07.2021, selection was to be held *interalia* for 18 posts of Finance Officer, 31 posts of Deputy Education Officer and 28 posts of Block Development Officer; one vacancy in each of the aforesaid three posts was reserved for DFF, as per the break-up given in the requisition and advertisement was accordingly issued on 10.08.2021, strictly as per



the requisition; in that advertisement, it was mentioned that number of vacancies are liable to be increased or decreased; State Government thereafter re-determined the vacancies and sent revised requisition on 04.10.2021, and as per the revised requisition, no vacancy on the aforesaid three posts was reserved for DFF. The corrigendum dated 07.12.2021, issued by the Commission in terms of revised requisition is on record as CA-2 to the counter affidavit filed by Commission.

8. Learned counsel for the Commission submits that corrigendum was published in all leading newspapers for information to the candidates. It is submitted that the allegation that rules of the game were changed midway is not correct; original advertisement was issued on 10.08.2021; corrigendum was issued by the Commission on 07.12.2021; preliminary examination was held on 03.04.2022 and result of preliminary examination was declared on 26.05.2022. Thus, it is contended on behalf of Commission that by means of corrigendum, everyone was informed that the vacancy position, as indicated in the advertisement dated 10.08.2021, has been altered and petitioners could have challenged the corrigendum before appearing in the preliminary examination, and challenge thrown to the result of preliminary examination is thus not sustainable.

9. Learned counsel for the Commission further contended that Commission is a Selecting Body, which holds selection strictly as per the requisition sent by



Government and the Recruitment Rules applicable for the post, and whenever there is a doubt, Commission has to seek clarification and act strictly as per the instructions received from the Government, which is the employer. He further submitted that DFF were given relaxation in upper age limit upto five years, therefore, in the admit card, issued to candidates belonging to that category, DFF was mentioned.

10. Learned State Counsel submits that as per the Government policy in vogue earlier, depending upon number of vacancies, if share of any reserved category in a post was '0.5' or more, then it was treated as "1" and one vacancy was reserved for that particular category; however, new policy was introduced vide Government Order dated 22.05.2020, but the reserved vacancies were determined in the requisition dated 23.07.2021 as per old policy; this mistake was rectified by issuing revised requisition to the Commission on 04.10.2021. Learned State Counsel further submits that revised requisition was sent within less two months and selection had not progressed any further during said period. Learned State Counsel further submits that pursuant to revised requisition, Commission issued corrigendum on 07.12.2021, informing everyone that no vacancy is available to DFF on the post of Finance Officer, Block Development Officer and Deputy Education Officer.

11. Petitioners participated in the mains examination on strength of interim order passed by this Court. Their result was produced before us in a sealed



cover, which was opened in the presence of learned counsel for the parties.

12. Perusal of the result reveals that petitioners were treated as unreserved candidates and their score of marks was less than the marks scored by last General Category candidate who was declared successful. The result further reveals that marks scored by last successful General category candidate for the post of Finance Officer, Block Development Officer and Deputy Education Officer was 760, against which Ms. Suvrata Pargaien scored 516 marks; Mr. Devendra Singh scored 670 marks and Mr. Digambar Singh scored 539 marks. Petitioner No. 3 (Mr. Surendra Singh) in WPSB No. 202 of 2022 who applied for the post of Assistant Director (Factory/Boiler) scored 913 marks as against 964 marks scored by last successful General category candidate.

13. From the aforesaid discussion, it is apparent that immediately after issuance of advertisement, in terms of original requisition, State Government re-determined vacancies as per new policy which was introduced on 22.05.2020 and sent a revised requisition on 04.10.2021. Commission issued a corrigendum in terms of revised requisition for informing the candidates about change in vacancy position and also alteration in the number of vacancies available for different reserved categories. Thus, petitioners cannot plead ignorance about the changes brought about by the corrigendum. Thus, the contention that rules of the game were changed



without notice after commencement of selection process is factually incorrect.

14. It is not the case where vacancies reserved for DFF were de-reserved without informing the candidates. Here is a case where de-reservation of vacancies by the State Government was duly notified to the candidates by the Commission by issuing corrigendum dated 07.12.2021.

15. Petitioner in WPSB No. 399 of 2022 has challenged the result of preliminary examination and also the notice issued by Commission, by which marks scored by last successful candidate in different categories was declared.

16. In WPSB No. 202 of 2022, petitioners although have challenged corrigendum dated 07.12.2021 issued by Commission, however, the grounds taken in the writ petition are not sufficient for interfering with the corrigendum. Moreover, the State is well within its right to correct the mistake in the requisition and also to send revised requisition, if need be.

17. In the advertisement dated 10.08.2021, it was mentioned that number of vacancies may increase or decrease. Petitioners cannot claim any vested right of appointment based on vacancy position as indicated in the advertisement.

18. While holding selection for appointment under the State, Commission has to act as per the



applicable Recruitment Rules and the instructions issued by State Government. Moreover, every selection is to be made in terms of the break-up of vacancies indicated in the requisition sent by State Government. In such view of the matter, the Commission cannot be faulted if there is alteration in vacancy position in the corrigendum.

19. Petitioners have not challenged the revised requisition issued by the Government on 04.10.2021, which is the basis for issuing corrigendum dated 07.12.2021, therefore, there is no scope for interference in the matter.

20. Learned counsel for Commission informed that selection process concluded long back and selected candidates are serving in different Departments since last several years. None of the selected candidate is before us. The relief, as claimed by petitioners, if granted, will disturb the entire selection, thus affecting rights of persons who are not party to these petitions.

21. For the aforesaid reasons, the writ petitions fail and are dismissed. The result produced in Court in a sealed cover, is resealed and returned to the learned counsel for Commission.

MANOJ KUMAR TIWARI, J.

PANKAJ PUROHIT, J.

Dt: 06.08.2026

Aswal
NITI RAJ
SINGH
ASWAL