



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

WRIT PETITION (S/B) NO. 449 of 2026

16th July, 2026

Dr. Manoj Kumar

-----Petitioner

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Ms. Prabha Naithani, learned counsel for the petitioner.

Mr. M.S. Bisht, learned Brief Holder for the State.

Mr. Gaurav Nagpal, learned counsel holding brief of Mr. Ramji Srivastava, learned counsel for the private respondents.

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

1. The present writ petition has been filed assailing the order dated 03.01.2026, passed by the Secretary, Department of Medical Health and Medical Education, Government of Uttarakhand, thereby, rejecting the representation filed by the petitioner in pursuance of the liberty granted to the petitioner vide order dated 16.01.2026, while deciding his previous writ petition (WPSB No. 36/2026).

2. The background facts are clear from our previous order dated 16.01.2026 in WPSB No.36/2026, which is as follows:-

“1) The petitioner by means of present writ petition has assailed the Office Memorandum dated 24.12.2025, passed by the Secretary, Department of Medical Health & Medical Education, Government of Uttarakhand, whereby the representation of the petitioner for grant of relaxation in upper age limit for participation in the selection process for the selection of Medical Officers in the Uttarakhand Medical and Health Services has



been rejected. The petitioner has also prayed for quashing of Clause 8 of the advertisement dated 13.11.2025, whereby upper age limit of 42 has been prescribed for participation in the selection process to the extent there is no provision for relaxation of age.

2) The case of the petitioner is that he is working since 19th July 2024, as Medical Officer, on contractual basis in pursuance of appointment order of the even date. The initial period of contract was one year and it was subsequently extended on 11.03.2025 upto 28.02.2026, or till regular appointment is made. On 13.11.2025 the Uttarakhand Medical Service Selection Board issued an advertisement for holding selection on the post of Medical Officer (Ordinary Grade). The said advertisement was in respect of 287 vacant posts including back log vacancies through direct recruitment in the Uttarakhand Provincial Medical and Health Service Cadre. The petitioner who had worked on contractual basis for more than 01 year 03 months was overage on the prescribed cutoff date. On 27.11.2025, the petitioner submitted a representation to the Secretary, Medical Health and Family Welfare, Government of Uttarakhand for providing relaxation in upper age limit to the petitioner to enable him to participate in the selection process. The petitioner claimed relaxation on the ground that he had been working on contractual basis as Medical Officer since July 2024, and like him there were several other persons who were also working on contractual basis and, consequently, the petitioner as well as other such persons should be granted relaxation in the upper age limit to enable them to participate in the selection process. The further case of the petitioner is that power in this regard is vested in the State under the Uttarakhand Public Service (Relaxation in Age Limit for Recruitment) Rules, 2003 (hereinafter referred to as "Relaxation Rules 2003"), notified on 18.02.2003. Rule 3 thereof enables the State Government to grant relaxation in upper age limit for appointment to public services in respect of any particular candidate or class of candidates. As the representation of the petitioner remained pending while, on the other hand, the selection process was in progress and, therefore, the petitioner filed Writ No. 531 (S/B) of 2025 before this Court praying for quashing of Clause 8 of the advertisement and for directing the respondents to consider his candidature for grant of age relaxation as per the provisions contained in the Relaxation Rules 2003. The said writ petition was disposed of by this Court by order dated 9th December 2025 directing the State to decide the representation of the petitioner dated 27.11.2025, within a period of two weeks, in accordance with law. It was further provided that in case the representation is allowed, the petitioner would be permitted to participate in the selection process in pursuance of advertisement dated 13.11.2025.

3) In pursuance of the aforesaid direction the representation of the petitioner for relaxation in upper age limit has been considered and rejected by the impugned order dated 24.12.2025.

4) Learned counsel for the petitioner submits that the representation has been rejected solely placing reliance on Rule 10 of the Uttarakhand Provincial Medical and Health Service Rules 2014 and Uttarakhand Recruitment in Service Age Limit Rules 2014, and the first amendment made therein vide Notification dated 25.02.2014. The Relaxation Rules 2003 which have overriding effect over the service rules have not been considered.

5) Learned counsel for the State, on the other hand, submits that the Uttarakhand Recruitment in Service Age Limit Rules 2014 prescribes upper age limit of 42 years and, therefore, the representation has been rightly rejected. He further submits that even under the Relaxation Rules



2003, no candidate seeking relaxation in age has any indefeasible right to claim relaxation and, therefore, no interference is warranted.

6) Learned counsel appearing on behalf of the Uttarakhand Medical Service Selection Board, Dehradun (respondent No. 3 herein) also makes the same submission.

7) The recruitment to the post aforesaid is governed by the Uttarakhand Medical and Health Service Rules 2014. Rule 10 thereof is as follows :

“10. Age –

A candidate for direct recruitment must have attained the age of 21 years and must not have attained the age of more than 35 years on January 1 of the year in which recruitment is to be made, if the posts are advertised during the period January 1 to June 30 and on July 1 if the posts are advertised during the period July 1 to December 31, the age must be maximum 35 years. Provided that the upper age limit in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes and such other categories as may be notified by the Government from time to time shall be greater by such number of years as may be specified.”

8) The State Government framed Uttarakhand Recruitment in Service Upper Age Limit Rules 2014 in exercise of power under Article 309 of the Constitution 5 2026:UHC:558-DB and thereby it was provided that in all services and posts where under the relevant service Rules upper age limit is 35 years, the same would stand enhanced to 40 years. The said Rule 2 of the Age Limit Rules 2014 was amended on 25th February 2014, and thereby the upper age limit was enhanced from 40 years to 42 years. The Notification dated 25.02.2014, is as follows :

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9) It appears that on the basis of the Rules 2014 and the amendment carried out therein, respondent No. 3 while issuing the advertisement prescribed the upper age limit of 42 years for the selection in question. The said age limit is as per the service rules read with the Uttarakhand Relaxation in Service Age Limit Rules 2014 and, thus, we find no good ground to hold that the prescription of age limit under Clause 10 of the advertisement is in any manner illegal or arbitrary. The submission of learned counsel for the petitioner that in respect of various social categories and other special category persons like Physical Handicapped or Women there is provision for relaxation and, thus, Rule 10 to the extent it does not provide for similar relaxation in favour of general category candidates is discriminatory, is without any substance. The relaxation under Clause 10 is in respect of social category candidates for which there is reservation and relaxation provided under service rules and various Government Orders.

10) Coming to the second submission that the decision of the State Government does not take into consideration the Relaxation Rules, we find substance therein. Rule 3 of the Relaxation Rules has overriding effect over any service rule prescribing the upper age limit. Rule 3 of the Relaxation Rules is as follows :

“3. Relaxation of age limit for recruitment –

Notwithstanding anything to the contrary contained in any rule regulating the maximum age for recruitment to any service or post in connection with the affairs of the State, the Governor may grant relaxation in the maximum age limit in favour of any candidate or class of candidates. Provided that in cases where recruitment is made through a Commission, that body shall be consulted before the relaxation is granted.”

11) Undoubtedly, no candidate has any indefeasible right to claim relaxation in age but when the relaxation rule vests power in the State Government to grant relaxation, and the petitioner who is already working as Medical Officer, though on contractual basis, was claiming relaxation, any order passed by the State Government should reflect application of mind to the facts of the case and also that the State Government has examined the claim being conscious of the fact that it has power to grant relaxation. However, in the instant case, we find that the impugned order has been passed wholly oblivious of the power of the State Government to



grant relaxation in the upper age limit. In view thereof, the impugned order cannot be sustained and is, accordingly, quashed. The State Government is directed to pass a fresh order taking into consideration the facts of the case of the petitioner and the power vested in the State Government under the Relaxation Rules 2003, within a period of two weeks from today.

12) As it is submitted that the interview is scheduled on 19th of this month, therefore, it is further provided that the petitioner will be permitted to appear in the interview provisionally but his result shall not be declared and it would abide by the decision that would be taken by the State Government on the representation of the petitioner in light of the direction aforesaid.

13) The writ petition stands disposed of accordingly.

14) Pending application, if any, also stands disposed of.”

3. It is not disputed before us that as per the advertisement the prescribed upper age was 42 years for unreserved category candidates. The candidates belonging to the reserved category were entitled to age relaxation as per the applicable Government Order. The petitioner was admittedly overage. The respondents while deciding the representation have taken into consideration the Service Rules, 2014, and the amendments made in the Uttarakhand Recruitment in Service Upper Age Limit Rules, 2003, as amended vide Notification dated 25.02.2014, and have thereafter observed that the said upper age limit of 42 years for unreserved category was made applicable on a uniform basis for all candidates appearing in the selection. It is also been observed that even in the previous recruitments the same age was prescribed. In view of



these facts, the respondents have declined to grant any age relaxation to the petitioner.

4. The reasons given by the respondents while declining to accept the prayer of the petitioner for age relaxation cannot be said to be illegal or a result of non-application of mind to the relevant factors, therefore, we found no good ground to interfere with the said order.

5. Accordingly, the petition is dismissed.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 16.07.2026
KKS/PP