



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No.2132 of 2026

14th August, 2026

Kamla Joshi and others

.....Petitioners

Versus

State of Uttarakhand and others Respondents

Presence:-

Mr. Dushyant Mainali, learned counsel for the petitioners.

Mr. B.S. Koranga, learned B.H. for the State.

Mr. Gaurav Nagpal, learned counsel holding brief of Mr. Ramji Shrivastava, learned counsel for the respondent no.3.

Hon'ble Pankaj Purohit, J.

By means of the present writ petition, the petitioners have sought the following reliefs:

“i) Issue a writ, order or direction in the nature of certiorari quashing the order dated 02.03.2026 (Annexure No. 1, pages 34 to 36) passed by respondent no. 1/Secretary, Medical Health and Medical Education, Government of Uttarakhand, Dehradun, whereby, by citing Rule 10 of the Uttarakhand Subordinate Nursing (Non-Gazetted) Service Rules, 2015, the representation of the petitioners has been rejected in a mechanical manner without considering the submissions made by the petitioners in their representation.

ii) Issue a writ, order or direction in the nature of mandamus directing the respondent authorities to grant age relaxation/benefit of the cut-off date to the petitioners in respect of the upper age limit for the Nursing Officer Examination, 2023, pursuant to the advertisement dated 03.01.2023 issued by respondent no. 3, in terms of the Uttarakhand Public Services (Relaxation of Age Limit for Recruitment) Rules, 2003.”

2. The facts of the case, in brief, are that the recruitment process for the post of Staff Nurse in Uttarakhand was initially commenced pursuant to an advertisement dated 12.12.2020 for 1,238 posts, prescribing the age limit of 21 to 42 years, with



01.01.2020 as the cut-off date for determination of age. Petitioner nos. 2, 3 and 4 submitted their applications pursuant to the said advertisement, though they were overage as on the prescribed cut-off date. Subsequently, the recruitment process was postponed in view of the proposed amendment to the relevant service rules. Thereafter, a fresh advertisement dated 02.02.2021 was issued for 1,238 posts, which was subsequently amended to include 1,383 additional posts of Staff Nurse in Government Medical Colleges, thereby increasing the total number of vacancies to 2,621. The examination was again postponed, and a fresh advertisement dated 17.04.2021 was issued for the said 2,621 posts. It was specifically provided that the candidates who had already applied pursuant to the earlier advertisements were not required to apply afresh. A one-time relaxation was also provided to the candidates who had become overage, by retaining 01.01.2020 as the cut-off date for determination of the upper age limit, whereas the general cut-off date was fixed as 01.07.2020. Subsequently, the State Government changed the examination body, and respondent no.3 thereafter issued the impugned advertisement dated 03.01.2023 for 1,564 posts of Nursing Officer (Male/Female) in the Department of Medical Health and Family Welfare. Under Clause 7 of the said advertisement, the minimum age was prescribed as 21 years and the maximum age as 42 years, with 01.07.2022 fixed as the cut-off date for determination of age.

3. Learned counsel for the petitioners submits that recruitment to the post of Staff Nurse/Nursing Officer for General Category candidates was last



conducted in the year 2011 and that no recruitment for General Category candidates was undertaken thereafter for several years. It is contended that, despite the petitioners possessing the requisite qualifications prescribed under the applicable service rules, the respondents failed to initiate recruitment in a timely manner, as a result of which the petitioners crossed the maximum age prescribed under Clause 7 of the impugned advertisement dated 03.01.2023. Learned counsel further submits that such delay on the part of the respondents ought not to operate to the prejudice of the petitioners and that they are entitled to age relaxation in terms of the Uttarakhand Subordinate Nursing (Non-Gazetted) Service Rules, 2015, the amended Rules of 2020 and the Uttarakhand Public Services (Relaxation of Age Limit for Recruitment) Rules, 2003. It is further submitted that the petitioners had earlier approached this Court by filing Writ Petition (S/S) No. 172 of 2023, Smt. Kamla Joshi and others vs. State of Uttarakhand and others, which was disposed of by judgment dated 02.12.2025, granting liberty to the petitioners to submit a representation before the competent authority. Pursuant thereto, after extension of time granted by this Court vide order dated 15.12.2025, the petitioners submitted their representation on 17.12.2025. However, the same came to be rejected by the Secretary, Medical Health and Medical Education, vide order dated 02.03.2026, primarily by placing reliance upon Rule 10 of the Uttarakhand Subordinate Nursing (Non-Gazetted) Service Rules, 2015. He further submits that the representation has been rejected mechanically without properly considering the grounds raised by the



petitioners.

4. On the other hand, a specific query was put to learned counsel appearing for respondent no.3, i.e. the selecting body, as to whether any recruitment to the post of Nursing Officer had been undertaken subsequent to the recruitment process referred to by the petitioners. On instructions, learned counsel submits that advertisements for recruitment to the post of Nursing Officer (Male/Female) were issued not only in the year 2023 but also subsequently in the year 2024 and also in the year 2025.

5. In view of the aforesaid submission, the contention of learned counsel for the petitioners that they be allowed to participate in the Nursing Officer Examination, 2023 is highly belated as already three recruitment cycles have been completed or are in the verge of completion, therefore it will not be in the interest of justice to disturb the recruitment process of 2023.

6. The grant of relaxation in the upper age limit is a matter governed by the applicable statutory rules and the terms of the recruitment advertisement. The Court, in exercise of its writ jurisdiction, cannot direct grant of age relaxation contrary to the statutory provisions merely on the ground that a candidate has become overage or that there has been a delay in holding recruitment, particularly when the record indicates that recruitment processes were subsequently undertaken by the competent authority.

7. In the present case, the petitioners seek extension of the benefit of the one-time age relaxation granted in the earlier recruitment process to the subsequent recruitment pursuant to the advertisement



dated 03.01.2023. However, such benefit cannot be claimed as a matter of right in respect of a subsequent recruitment process when the applicable recruitment rules and the terms of the subsequent advertisement prescribe a different cut-off date for determination of age. The petitioners, admittedly being overage as per the applicable rules and the impugned advertisement, cannot be permitted to participate in the recruitment process merely on the basis of the relaxation granted in an earlier recruitment. More so when the petitioners have approached the Court after inordinate delay.

8. So far as the impugned order dated 02.03.2026 is concerned, this Court finds that the competent authority has considered the claim of the petitioners with reference to the applicable service rules. Merely because the conclusion arrived at by the competent authority is adverse to the petitioners, the same cannot be said to be mechanical or arbitrary in the absence of any violation of the statutory provisions.

9. In view of the foregoing discussion, no ground for interference is made out. The petitioners are not entitled to claim relaxation in the upper age limit contrary to the applicable recruitment rules and the conditions prescribed in the advertisement dated 03.01.2023.

10. Accordingly, no interference is warranted and the writ petition stands dismissed.

(Pankaj Purohit, J.)

14.08.2026