



Sl. No	Date	Office Notes, reports, orders or proceedings or directions, and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<u>UKHC010152762024</u> <u>WPSB/621/2024</u> Suraj Adhikari --Petitioner Versus State Of Uttarakhand & others --Respondents <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u> Mr. Vinay Kumar, learned Counsel for the petitioner. 2. Mr. Sushil Vashisth, learned Standing Counsel for the State-respondent nos.1 to 3. 3. Mr. Ashish Joshi, learned Counsel for respondent no.4, appearing through V.C. 4. Petitioner has challenged orders dated 26.04.2024 and 12.07.2024 passed by Secretary, Uttarakhand Public Service Commission (<i>hereinafter referred to as 'the Commission'</i>), whereby he was declared as ineligible for appointment to the post of Plant Protection Officer. 5. Petitioner responded to advertisement issued by the Commission on 10.08.2021, whereby, applications were invited for Uttarakhand Combined State Civil/Upper Subordinate Services Examination, 2021. By that advertisement, 224 vacancies were advertised in 31 different posts in various departments of the State. Petitioner possesses M.Sc. Agriculture Science (Plant Pathology) qualification, and he contends that as per his academic qualification, he was eligible for appointment to the post of Mushroom Development Officer and Plant Protection Officer in Department of Horticulture.



		6. Petitioner participated in preliminary examination but he was declared ineligible for the post of Plant Protection Officer. However, petitioner was declared successful in preliminary examination for the post of Mushroom Development Officer. 7. Learned Counsel for petitioner contends that since the Commission declared petitioner and various other candidates academically not qualified for the post of Plant Protection Officer, therefore, candidates including petitioner filed Writ Petition (S/B) No.219 of 2022 (<i>Khushboo Kholia v. State and others</i>). A Co-ordinate Bench of this Court, <i>vide</i> judgment dated 07.09.2022, directed State Government to constitute an Expert Committee to examine the question of equivalence of academic qualifications. 8. It is contended that the Equivalence Committee held petitioner to be educationally qualified for the post of Plant Protection Officer. It is further contended that despite report of Equivalence Committee holding petitioner to be eligible for the post of Plant Protection Officer, the Commission rejected petitioner's candidature <i>vide</i> order dated 26.04.2024 relying upon some letter issued by State Government on 13.05.2022. He submits that in that letter, State Government appears to have written that degree in Agriculture Science with specialization in Entomology alone may be considered for appointment as Plant Protection Officer. It is thus, contended that the Commission could not have relied
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		upon a letter issued by State Government when equivalence committee had submitted its report in terms of order passed by this Court on 28.10.2022. 9. Learned Counsel for petitioner further submits that as per advertisement, essential qualification for the post of Plant Protection Officer is M.Sc. Agriculture, therefore, petitioner's candidature could not have been rejected merely by relying upon Government's letter dated 13.05.2022. He further submits that the said letter was issued by one Mr. Harminder Singh Baweja in the capacity of Director (Horticulture), and the same person was member of Equivalence Committee which held petitioner to be eligible for the post of Plant Protection Officer. 10. We find some substance in the contention that the letter issued by State Government regarding educational qualification lost its relevance once Equivalence Committee submitted its report to the Commission. Impugned orders dated 26.04.2024 and 12.07.2024 are also silent regarding the report submitted by Equivalence Committee. 11. We, therefore, allow the writ petition and set aside rejection orders dated 26.04.2024 and 12.07.2024 <i>qua</i> petitioner only, and direct the Secretary, Uttarakhand Public Service Commission to re-visit the question of petitioner's eligibility in light of report submitted by Equivalence Committee, and to pass order afresh within three weeks from the date of presentation of a certified copy of this order.
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		12. It is further provided that if petitioner is found eligible and otherwise suitable for appointment, then the respondent-Commission shall make appropriate recommendation to the State Government, as per law. 13. Pending application, if any, stands disposed of. (Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.) 13.08.2026 Rdang RAJEEV DANG Digitally signed by RAJEEV DANG DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=963dadfc6d8db91944dc58b9ed259ec3d 802f419a1199f15a3961c8ca2957, postalCode=263001, st=UTTARAKHAND, serialNumber=63f66663A1DD4892EED68B1F04307 78837574ED2087209F2DABC7ABC1CA388D, cn=RAJEEV DANG Date: 2026.08.21 19:35:59 +05'30'
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