



2026:UHC:801-DB

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

Special Appeal No.344 of 2025

February 11, 2026

Uttarakhand Subordinate Service Selection Commission
& Another ---Appellants

Versus

Ekta Sharma ---Respondent

Presence:-

Ms. Devika Tiwari, learned counsel for the appellants through V.C.

Mr. Dushyant Mainali, learned counsel for the respondent

JUDGMENT: (per Sri Manoj Kumar Gupta, C.J.)

Delay Condonation Application IA No.1/2025

1. The appeal is reported to be beyond time by 300 days. The cause shown for the delay is found to be satisfactory and, accordingly, delay is condoned.

Special Appeal No.344 of 2025

2. The appeal is directed against an order dated 21.11.2024 passed by learned Single Judge in WPSS No.955/2022 filed by the respondent herein, whereby learned Single Judge pending the writ proceedings, directed the Recruitment Agency UKSSSC (the appellant herein) to permit the respondent along with other



petitioners in the writ petition to appear in the re-test scheduled for 10.12.2024 subject to the rider that the result would be kept in a sealed cover and the sealed cover would be opened at the time of final adjudication.

3. Learned counsel for the respondent has raised a preliminary objection to the maintainability of the appeal. He submits that the order impugned is a purely interlocutory order and, therefore, the present intra-court appeal is not maintainable.

4. On the other hand, learned counsel for the appellant submits that since a positive direction has been given to the appellant to permit the respondent to appear in the Stenography test and therefore in garb of the said order a final relief referable to relief no.3, prayed in the writ petition, has been granted.

5. She further submits that the re-test was scheduled for those candidates, who had not appeared in the test at all while petitioner/respondent had appeared in the test and had failed and therefore the petitioner/respondent cannot be placed at par with those candidates.

6. The issue before the Writ Court is whether the petitioner/respondent was prejudiced in any manner on



account of the contention that during the examination the electric supply got disrupted.

7. As the said issue is still to be examined by the Writ Court and, consequently the mere direction that the petitioner/respondent would be permitted to appear in the re-test that was scheduled by the Recruiting Agency itself, has not resulted in any prejudice to it. As already noted the result of the petitioner/respondent was to be kept in sealed cover and is to abide by the final adjudication in the writ petition.

8. Consequently, we find no good ground to interfere with the order impugned. The appeal lacks merit and is dismissed. However, we leave it open to the appellant to move application for urgent hearing before the Writ Court and, in the event, any such application is filed, it is desirable that the writ petition proceedings are decided expeditiously.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 11.02.2026
Rajni

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