



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

(1) Special Appeal No.352 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents

with

(2) Special Appeal No.91 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents

(3) Special Appeal No.360 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents

(4) Special Appeal No.361 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents

(5) Special Appeal No.362 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents



(6) Special Appeal No.363 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents

(7) Special Appeal No.364 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents

(8) Special Appeal No.365 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents

(9) Special Appeal No.366 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents

(10) Special Appeal No.367 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents

(11) Special Appeal No.368 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents



(12) Special Appeal No.369 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents

(13) Special Appeal No.370 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents

(14) Special Appeal No.371 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents

(15) Special Appeal No.372 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents

(16) Special Appeal No.373 of 2025

Uttarakhand Subordinate Service Selection Commission

----Appellant

Versus

State of Uttarakhand & Others

----Respondents

June 3, 2026

Presence:-

Mr. Aditya Singh, learned counsel for the appellant in SPA No.352/2025
Mr. Tilak Sharma, Advocate holding brief of Mr. Shailendra Nauriyal and Mr. V.S. Rawat, learned counsel for the appellants in other appeals
Mr. J.C. Pande, learned Standing Counsel for the State of Uttarakhand
Mr. Piyush Garg, Mr. Vinay Kumar and Mr. Gaurav Kandpal, learned counsel for the private respondents
Mr. A.S. Rawat, learned Senior Counsel assisted by Piyush Garg, Mr. Vinay Kumar, Mr. Gaurav Kandpal, Mr. Gaurav Paliwal and Mr. Ayush Pokhriyal, learned counsel for the private respondents
Mr. Priyansh Mittal, learned counsel for the interveners (through V.C.) in SPA no.352/2025

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

1. The present batch of appeals is by Uttarakhand Subordinate Service Selection Commission against the common order and judgment dated 04.06.2025 passed by learned Single Judge in a batch of writ petitions filed by the candidates who had appeared in the selection for the post of Assistant Teacher, L.T. Grade. The Commission has filed the appeals being mainly aggrieved by the direction issued by the learned Single Judge in respect of Booklet D Question 64. The finding in respect of the said question and the direction given by the learned Single Judge in its order are as follows:-

“22. Booklet D, Question 64

Q. Choose the correct option regarding Lampetra Planeri.

(A) It is a sea lamprey

(B) It is a brook lamprey

(C) It is a fresh-water lamprey

(D) It is a semi-terrestrial lamprey

The Commission has given option B as correct answer to this question, but CBSE and the University differ with it slightly and experts had opined that options B and C both are correct to this question.

It is argued on behalf of the petitioners that as per Guidelines of the Commission, all such candidates who have opted either for option B or C as correct answer will get marks for it. Therefore, this question needs revision for determining marks.

31. Similarly, Booklet D Question 64 also needs re-evaluation because the correct answers are options B & C. Therefore, the Commission may also be required to undertake this exercise of revising



the merits based on these options and allot the marks as per the Guidelines.

33. *In view of the foregoing discussion, these petitions are disposed of with the following directions:-*

(i) ...

(ii) ...

(iii) For deleted questions (Booklet A Question 2 and Booklet C Question 39) and Booklet D Question 64 after re-evaluation, marks should be allotted as per the Guidelines of the Commission."

2. The learned Single Judge had issued further following directions:-

"33. *(iv) While carrying out the above exercise, the Commission need not revise the result of all those candidates whose names were included in the provisional recommendation list published on 09.02.2025. The candidates whose names have already been recommended in the provisional recommendation list shall not be affected by this exercise. There is no necessity to revise their result. Therefore, this exercise shall be undertaken, excluding all the candidates who were included in the provisional recommendation list dated 09.02.2025.*

(v) The Commission shall also publish cut-off marks of the last selected candidate under each subject/category, who were included in the provisional recommendation list dated 09.02.2025 forwarded by the Commission.

(vi) On the basis of revised result, those candidates who obtains equal or more marks than the marks obtained by the last candidate in the provisional recommendation list dated 09.02.2025, in their respective subject/category, shall be offered appointments against the vacant posts. If the candidates could not be accommodated against the vacant posts, the respondent, State of Uttarakhand



shall create supernumerary posts for them, so that they may be appointed.

(vii) The entire exercise for revising the result and making recommendation for appointment shall be completed by the Commission within a period of three months from today.”

3. In paragraph 30 of the order, the learned Single Judge has noted that the Advocate General, during course of hearing of the writ petitions, suggested that the candidates, who had already been recommended in the provisional recommendation list may not be disturbed and the re-determination of the merit be done only in respect of unsuccessful candidates. He further made statement before the learned Single Judge that, if the Court so directs, appointment to the candidates who would get selected in pursuance of directions issued by the Court would be implemented by creating supernumerary posts. For ready reference, para 30 of the order of learned Single Judge, wherein the statement of learned Advocate General has been noted is extracted below:-

“30. During the course of argument, learned Advocate General submitted that there are many vacancies of Assistant Teacher, L.T. Grade in the State of Uttarakhand. Even, it is argued that against the advertised posts, there are still many vacancies for which recommendations have not been made. He would submit that the candidates who have been recommended in the provisional recommendation list may not be disturbed. The re-determination of merit may be done to only unsuccessful candidates and if after re-determination of unselected candidates, some of the candidates achieve equal or more marks to the last selected candidate, they may be offered appointment against vacant positions. Learned Advocate General further submits that if the Court so directs such candidates may be offered appointment on supernumerary posts.



4. Shri Aditya Singh, learned counsel appearing for the Commission, after obtaining instructions from the Secretary, Uttarakhand Subordinate Service Selection Commission, states that he is not pressing the appeals but it be clarified that the order of learned Single Judge would not be treated to be a precedent as the Commission is withdrawing the appeals in view of the fact that the State had not filed any appeal and is ready to comply with the order of the learned Single Judge.

5. He further submits that there was no deliberate or willful disobedience of the order of learned Single Judge by the Commission. Now since appeals are being withdrawn, therefore, the contempt proceedings, which are pending, may also be directed to be closed and he gives undertaking on behalf of the Commission that it would comply with the directions issued by the writ-court.

6. Learned counsel for the State as well as private respondents have no objection to the same.

7. Accordingly, the appeals are dismissed as not pressed. As the Commission has made statement that it would comply with the order of learned Single Judge within three months, let the same be done and in view of the said undertaking, we hereby provide that the proceedings for contempt would be closed. In case, however, the Commission fails to comply with the directions issued by learned Single Judge within three months from today, it shall be



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open to the applicants, who had filed contempt applications, to pray for revival of the contempt proceedings.

8. Pending application(s), if any, shall also stand disposed of accordingly.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 03.06.2026

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