

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/S) No.457 of 2024

Naushi Kamil

.....Petitioner

Versus

State of Uttarakhand& others

.....Respondents

Presence:-

Mr. B.M. Pingal, learned counsel for the petitioner.

Mr. Narayan Dutt, learned Standing Counsel for the State.

Ms. Meena Bisht, learned counsel holding brief of Mr. Yogesh Kumar Pacholia, learned counsel for respondent no.4.

Hon'ble Pankaj Purohit, J. (Oral)

By means of this writ petition, petitioner seeks to issue a writ, order or direction in the nature of mandamus to direct the respondents to treat the petitioner as qualified candidate for the post of Assistant Teacher.

2. Heard learned counsel for the parties.

3. Facts in a nutshell are that pursuant to the advertisement dated 29.11.2020, petitioner has applied for the post of Assistant Teacher Primary School. Petitioner possesses two years D.Ed qualification. As per the first list prepared by the respondents, the name of petitioner was on list and she was shown at Serial No.1028 having secured 73.23% marks. Later on, respondents selected another candidate for counseling who is having lesser marks than the petitioner. Thereafter, petitioner raised an objection to the respondents. In reply thereto, respondents have stated that the selected candidate was given preference since she was having D.El.Ed Diploma (Diploma in Elementary Education).

4. The challenge raised in this writ petition is no more *res integra* in view of the judgment passed by this Court in WPSS No.877 of 2022 (*Neha vs. State of Uttarakhand & others*) and another, which were decided by a common judgment dated 06.03.2024 passed by this Court holding that the qualification held by the petitioner is in tune with the notification dated 28.11.2014. Following the said ratio, the present petition is allowed. The respondent-State is directed to hold the petitioner eligible to participate in the selection process for the post

in-question and appoint her if she falls in the merit immediately within four weeks. No order as to costs.

5. Pending applications, if any, stand disposed of accordingly.

(Pankaj Purohit, J.)
20.03.2024

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