SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
	03.11.2026		**SPA/44/2022** Sarita Tiwari --Appellant **Versus** State of Uttarakhand and others. --Respondents **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** 1. Sri Rachit Tiwari, learned counsel for appellant. 2. Sri M.S. Bisht, learned Brief Holder for the State of Uttarakhand. 3. Sri P.S. Bohra, learned counsel for respondent No. 5. 4. This intra-Court Appeal is directed against judgment and order dated 14.12.2021 passed by learned Single Judge in Writ Petition (S/S) No. 1583 of 2021 titled 'Sarita Tiwari vs. State of Uttarakhand and others'. By the said judgment, appellant's writ petition was dismissed. Operative portion of the impugned judgment is reproduced below:- *"14. This Court is of the view, that exception to an applicability of an age bar provided under the Regulations, could only be by way of a specific incorporation by way of legislation and not otherwise, as it has been construed by the learned counsel for the petitioner. Since the provisions contained under the regulations do not create any specific bar of an applicability of the provisions of cut-off age provided therein, it would be deemed that the age prescribed therein, would also be equally made applicable to the minority institutions. Hence, for the aforesaid reasons, I am not inclined to interfere in the writ petition; the writ petition is accordingly dismissed.*"

5. Reliefs, sought by appellant in Writ Petition (S/S) No. 1583 of 2021, are extracted below:-

> *"I. Issue a writ, order or direction in the nature of the certiorari quashing the oral rejection/denial of the candidature of the petitioner without assigning any specific reason so summon the whole proceeding/minutes and quashed it.*
>
> *II. Issue a writ, order or direction in the nature of the mandamus directing the respondent no. 3 and 4 to not cancel the candidature of the petitioner and further prayed to restrain them to appoint any other candidate without adopting due process of law.*
>
> *III. Issue a writ, order or direction in the nature of the mandamus directing the respondents to grant financial approval in the favour of petitioner issuing the appointment order as she is having all the requested qualification as per law and further prayed to permit the petitioner to teach in the aforesaid institution as a regular Lecturer (English)."*

6. In his writ petition, appellant contended that even though she was more than 43 and half years of age at the time of making application, but her candidature cannot be rejected on the ground that she has become over-age.

7. Advertisement issued by Manager, Mission Inter College, Pithoragarh on 16.04.2021 is on record as Annexure-1 to the writ petition. It is clearly mentioned in the Advertisement that academic qualification and requirement as to age would be the same as applicable for appointment to government intermediate college(s).

8. Learned State Counsel, on instructions, submits that the upper age limit for appointment as a teacher in government intermediate colleges is 42 years.

9. Since there is no separate provision dealing with minority institutions as regards prescription of upper age limit for appointment as teachers, therefore the view taken by learned Single Judge cannot be faulted. From perusal of the records, it is revealed that Ms. Prashansa Singh was recommended for appointment against the vacancy in question and has already been appointed as Lecturer (English) in Mission Inter College, Pithoragarh.

10. Therefore, we do not find any reason to interfere with the view taken by learned Single Judge.

11. The Special Appeal is, accordingly, dismissed.

(Subhash Upadhyay, J.) 03.11.2026

(Manoj Kumar Tiwari, A.C.J.) 03.11.2026

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PRAVINDRA SINGH RATHOUR
