SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPPIL/139/2026 Bachna Sharma --Petitioner **Versus** State of Uttarakhand & others --Respondents **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** Mr. Abhijay Negi and Mr. Priyansh Mittal, learned counsel for the petitioner. 2. Mr. Sachin Mohan Singh Mehta, learned Standing Counsel and Mr. M.S. Bisht, learned Brief Holder for the State of Uttarakhand. 3. According to the petitioner, she belongs to scheduled tribe community and she holds the office as Vice President, Jaunsar Bawar Jan Kalyan Vikas Samiti. Petitioner has sought following reliefs in this writ petition: *"(i) Issue a writ, order, or direction in the nature of Certiorari, quashing the impugned appointment order bearing no.14/1/2/XXI/2025 C. XO dated 04.04.2025* ***(Annexure No.3; Pages 45 to 47)****, whereby Respondent No.2 has been appointed as Vice-Chairman of the Uttarakhand Tribal Advisory Council;* *(ii). Issue a writ, order, or direction in the nature of Mandamus directing the Respondent-State to conduct a fresh and transparent appointment process for the post of Vice-Chairman of the Tribal Advisory Council in accordance with the constitutional mandate, the Fifth Schedule, and the Uttarakhand Tribal Advisory Council Rules, 2014* ***(Annexure No.2; Pages 37 to 44)****;* *(iii). Issue a writ, order, or direction in the nature of Mandamus directing the Respondent-State to lay down objective criteria, based on integrity, character, and service record, for appointments to the Tribal Advisory Council to prevent arbitrary or mala fide appointments in the future;* *(iv). Issue any other appropriate writ, order, or direction as this Hon'ble Court may deem fit and proper in the interest of justice, equity, and good conscience."* 4. Learned State Counsel submits that petitioner has some personal issue with respondent no.2 and,

			therefore, she is not competent to file this petition in public interest, seeking removal of respondent no.2 from office. We find substance in the said contention. 5. Learned counsel for the petitioner then submits that in Section 4(2) of the Uttarakhand Commission for the Scheduled Tribes Act, 2015, it is provided that Chairman and Members of the State Commission for the Scheduled Tribes shall be appointed from amongst persons of ability, integrity and standing and who have a record of selfless service to the cause of justice for the Scheduled Tribes, however, in the Uttarakhand Tribal Advisory Council Rules, 2014, such provision is not there, due to which, persons with criminal antecedents have also managed to occupy offices in the Advisory Council. 6. He further submits that due to omission on the part of rule making authority to provide for selfless service as a condition of eligibility, persons with no track record of selfless service for the cause of Scheduled Tribes, have managed to get appointed. Thus, he submits that this aspect needs to be considered by the State Government. 7. Learned State Counsel submits that he has no objection if the petitioner highlights that aspect before the State Government by making representation. 8. We, therefore, dispose of the writ petition by permitting petitioner to make representation only

			for adding a provision similar to Section 4(2) of the Uttarakhand Commission for the Scheduled Tribes Act, 2015 in the aforesaid rules. If petitioner makes such representation within two weeks, the competent authority shall take decision on the same as per law, within nine months. **(Subhash Upadhyay, J.)** **(Manoj Kumar Tiwari, A.C.J.)** 27.10.2026 27.10.2026 SS/PP