UKHC010181532026

2026:UHC:10221-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE THE ACTING CHIEF JUSTICE SRI MANOJ KUMAR TIWARI
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

WRIT PETITION (S/B) NO. 665 OF 2026

4TH NOVEMBER, 2026

Rahul Saini ..... Petitioner

Versus

State of Uttarakhand and others ..... Respondents

Counsel for the petitioner : Mr. Prabhakar Joshi, learned counsel

Counsel for the respondents : Mr. B.P.S. Mer, learned Standing Counsel for the State

: Mr. Ramji Srivastava, learned counsel for respondent No. 3

: Mr. Hari Mohan Bhatia, learned counsel for respondent No. 4

The Court made the following:

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

1) By means of this writ petition, petitioner has sought the following reliefs :

"i) Issue an appropriate writ, order or direction declaring the impugned Rule 8 of Notification dated 02.09.2021 issued by respondent No. 1 as ultra vires to the Constitution of India.

ii) Issue an appropriate writ, order or direction declaring the condition No. 5 of Notification dated 16.07.2019 issued by respondent No. 3 as ultra vires to the Constitution of India.

iii) Issue a writ of certiorari quashing the impugned rejection order dated 30.06.2026 issued by respondent No. 3 (contained as Annexure No. 4 to the writ petition, page Nos. 38 to 43 to the writ petition).

iv) Issue a writ, order or direction in the nature of mandamus directing the respondents to add the qualification of Pharma D in Rule 8 of Notification of 2021 and condition No. 5 in the advertisement dated 16.10.2024 for the post of Pharmacist."

2) This Court passed the following order on 14.10.2026 in this writ petition :

> "4. Petitioner has challenged Rule 8 of the Uttarakhand Employees State Insurance Scheme Pharmacist Cadre (Allopathic) Service Rules, 2021.
>
> 5. Learned counsel for the petitioner drew our attention to an order dated 13.05.2025, passed by the Coordinate Bench in WPSB No. 486 of 2021, in which, after considering the stand taken by the Joint Secretary, Labour Department, Government of Uttarakhand, the writ petition was disposed of with direction to the State Government to finalise the matter and issue necessary notification within four months. More than 16 months have gone by after passing of the aforesaid order in Writ Petition No. 486 of 2021, but no progress has been made in the matter.
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> 6. In such view of the matter, we direct the Secretary, Department of Labour to take a decision in terms of order passed in WPSB No. 486 of 2021, positively within two weeks and report back to this Court on the next date of listing.
>
> 7. List this case on 04.11.2026.
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> 8. In the event, the decision is not taken before the next date of listing, the Secretary, Labour Department, shall appear in person before this Court along with record of the case."

3) Mr. B.P.S. Mer, learned State Counsel produced before us a letter issued by Secretary, Labour Department

on 03.11.2026. In paragraph No. 6 of that letter, it is mentioned that the proposal for amending Rule 8 of the Service Rules has been placed before the State Cabinet and decision has to be taken by the State Cabinet.

4) Mr. B.P.S. Mer, learned State Counsel, on instructions, submits that decision regarding amendment in Rule 8 of the Service Rules would be taken by the State Cabinet in the next meeting, whenever it is held.

5) We, therefore, dispose of the writ petition by taking the statement made by Mr. B.P.S. Mer, learned State Counsel, on record. If the decision is not taken by the State Cabinet in the next meeting, then the petitioner shall be at liberty to move appropriate application in this writ petition.

MANOJ KUMAR TIWARI, A.C.J.

SUBHASH UPADHYAY, J.

Dt: 4TH NOVEMBER, 2026
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HIMANSHU NEGI

Digitally signed by HIMANSHU NEGI
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