HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE ACTING CHIEF JUSTICE MR. MANOJ KUMAR TIWARI

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

October 26, 2026

Writ Petition (S/B) No.745 of 2024

Dr. Parul Sharma ----Petitioner

Versus

Uttarakhand Public Service Commission & Ors. ----Respondents

Presence:-

Mr. C.D. Bahuguna, learned Senior Counsel assisted by Mr. C.S. Dalakoti, learned counsel for the petitioner.

Mr. J.C. Pande, learned Standing Counsel for the State.

Mr. Sunil Datt Joshi, Advocate holding brief of Ms. Menka Tripathi, learned counsel for the respondent no.1.

The Court made the following:

JUDGMENT: **(per Hon'ble Justice Sri Manoj Kumar Tiwari, A.C.J.)**

1. Petitioner participated in a selection held by Uttarakhand Public Service Commission for appointment as Assistant Professor (Geography) in Government Degree Colleges. She filed this writ petition in 2024, seeking the following reliefs:-

> *"(i) Issue a writ, order or direction, summoning the records of proceedings of selection made on the post of Assistant Professor, Geography; and issue a writ in the nature of mandamus declaring that the petitioner is eligible for selection/appointment on the post of Assistant Professor, Geography.*
>
> *(ii) Issue a writ, order or direction in the nature of mandamus commanding the respondent nos.1 and 2 to select and appoint the*

petitioner on the post of Assistant Professor, Geography with all consequential benefits of service including continuity in service.

(iii) Issue a writ, order or direction in the nature of mandamus declaring Rule 6.2 (A) (2) (iii) of the "Uttarakhand Public Service Commission Exams. Results Preparation Procedure Rules, 2012 and Regulation 4(1) (iii) of the "Uttarakhand Public Service Commission Exams. Results Preparation Regulations, 2022" as ultra vires Article 14 and 16 of the Constitution of India.

(iv) Issue a writ, order or direction in the nature of certiorari calling for records and quashing the reservation procedure, contained in Rule 6.2 (A) (2) (iii) of the "Uttarakhand Public Service Commission Exams. Results Preparation Procedure Rules, 2012 and Regulation 4 (1) (iii) of the "Uttarakhand Public Service Commission Exams. Results Preparation Regulations, 2022", which was applied by the respondent Commission for making selection on the post of Assistant Professor, Geography; and also declare the same as arbitrary, inoperative and illegal.

(v) Issue a writ in the nature of mandamus, directing the respondent nos.1 and 2 to apply the reservation procedure prescribed by the Central Government in the orders dated 22.05.1989 and 01.07.1998, for making selection on the post of Assistant Professor, Geography.

(vi) Issue a writ in the nature of mandamus declaring that the act of the respondent Commission in extending the benefit of relaxed standard in recruitment process to the candidates of EWS category is wholly illegal. The act of adjusting/migrating such candidate to the vacancies of General / unreserved category, may also be declared as arbitrary and illegal.

(vii) Issue a writ in the nature of mandamus declaring that the selection and appointment of the respondent nos.4 and 6 on the post of Assistant Professor, Geography is illegal; and issue a writ in the nature of certiorari, quashing and setting aside the selection of the respondent nos.4 to 6 on the post of Assistant Professor, Geography, contained in the Select list dated 13.09.2024 (Annexure -9 to this petition).

(viii) Issue a writ in the nature of mandamus declaring that entire selection made on the post of Assistant Professor, Geography vitiates in law due to change of criteria of selection during the

selection process."

2. Mr. C.D. Bahuguna, learned Senior Counsel appearing for the petitioner, however, submits that since petitioner was declared eligible and she in fact participated in the selection, therefore, he has been instructed not to press any of the reliefs as claimed in the writ petition. He submits that the only grievance of the petitioner which remains is that despite being selected she is not recommended for appointment, in view of interim order dated 20.03.2024 passed in WPSB No.138 of 2022. He further submits that WPSB No.138 of 2022 has been disposed of finally with direction to the State Government to examine claim of the petitioners in that writ petition for regularization, therefore, the interim order passed in that writ petition has merged in the final order.

3. Learned Senior Counsel further submits that there are sufficient number of vacancies available on the post of Assistant Professor (Geography) and only one of the petitioners in WPSB No.138 of 2022 has claimed regularization as Assistant Professor (Geography), therefore, petitioner's right is not affected in any manner by the direction issued while disposing of the writ petition.

4. Since WPSB No.138 of 2022 has been disposed of

finally by an order of even date, therefore, the interim order passed in that writ petition has merged in the final order and the same does not come in the way of Selecting Body making recommendation in favour of the petitioner.

5. We, therefore, dispose of the writ petition with a direction to the Secretary, Uttarakhand Public Service Commission to include petitioner's name in the select list, if she is otherwise entitled for such inclusion as per her merit, and also make appropriate recommendation to the State Government. We hope and expect that Secretary, Uttarkhand Public Service Commission shall pass necessary order within six weeks from today.

MANOJ KUMAR TIWARI, A.C.J.

SUBHASH UPADHYAY, J.

Dt: 26.10.2026

Rajni/KK