SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	UKHC010204752026 2026:UHC:10613 COURT'S OR JUDGE'S ORDERS
			WPSS/2968/2026 Narendra Sharma --Petitioner **Versus** State Of Uttarakhand & others --Respondents **Hon'ble Rakesh Thapliyal, J.** Mr. K.K. Tiwari, learned counsel for the petitioner. 2. Mr. Anil Kumar Dabral, learned Additional Chief Standing Counsel for the State. 3. By the instant petition, the petitioner is praying for the following reliefs:- "i. To issue a writ order or direction in the nature of mandamus commanding and directing the respondents to grant notional appointment to the petitioner on the post of Physiotherapist w.e.f. October, 2013 (the date when other selected candidates of the 2011 recruitment process were appointed), along with consequential seniority, notional pay fixation, annual increments, and all other admissible service benefits. ii. To issue a writ order or direction in the nature of mandamus commanding and directing the respondents to re-fix the seniority of the petitioner in the cadre of Physiotherapist by placing him at his appropriate position amongst the candidates selected pursuant to the 2011 advertisement." 4. The main contention of the learned counsel for the petitioner in reference to the relief as sought is that though the vacancy was available, which was advertised but at the relevant point of time, petitioner was not

			offered appointment consequently he was compelled to file a writ petition i.e. WPSS No.220 of 2014 which was disposed of finally with the direction to the respondents to consider the case of the petitioner and in compliance thereof the petitioner's case was considered and he was offered appointment by order dated 24.05.2017. He submits that due to the mistake on the part of the official respondents, the petitioner could not be offered appointment at the relevant point of time though the vacancy was available, therefore, the petitioner is entitled to get the notional benefits i.e. seniority, pay fixation, annual increment and other admissible service benefits from the retrospective date. 5. The submission as advanced by learned counsel for the petitioner in reference to the relief as sought is completely misconceived and cannot be granted since the appointment offered to the petitioner is by way of direct recruitment and since the petitioner is offered appointment by order dated 24.05.2017, he cannot get any notional benefit from the retrospective date on the ground that at the relevant point of time the vacancy was available. Law is well settled that no right is accrued in favour of a person to get an appointment from the date of occurrence of a vacancy until and unless he is appointed. So far as the mistake on the part of the official respondents are concerned on this account alone the petitioner cannot claim the notional benefits. Whatever be the benefits the petitioner is entitled to get is only from the date of his actual appointment.

			6. In view of the observation and discussion as above, I do not find any merit in this petition. Hence, the same is dismissed being devoid of merit. **(Rakesh Thapliyal, J.)** 19.11.2026 Arti