

**(2011) 04 UK CK 0046**

**In the Uttarakhand High Court**

**Case No : Writ Petition No. 289 of 2011 (S/S)**

Arvind Kumar and Others

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

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**Date of Decision : 06-04-2011**

**Acts Referred:**

**Citation : (2011) 04 UK CK 0046**

**Hon'ble Judges : Sudhanshu Dhulia, J**

**Bench : Single Bench**

**Final Decision : Dismissed**

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## **Judgement**

Sudhanshu Dhulia, J.—Supplementary affidavit filed in Court today is taken on record.

2. Heard Ms. Neetu Singh, Advocate for the Petitioners and Mr. N.P. Sah, Standing Counsel for the State of Uttarakhand.

3. The Petitioners were applicants for the post of constables in Civil Police, Fire Brigade and P.A.C. in the State of Uttarakhand. These appointments were district cadre appointments as it is evident from the advertisement dated 22.11.2010 annexed as Annexure-2 to the writ petition. The posts which were advertised in the State of Uttarakhand were in reference to each district. Furthermore, specific condition was stipulated in condition No. 18 of the advertisement that one candidate shall apply for only one centre, meaning one district centre, and in case he applies for more than one centre, his applications will be rejected. Apart from that, the advertisement also prescribes a certificate, which has to be given by an applicant inter alia stating that he has not applied for any other centre except one centre.

4. By means of the present writ petition, the Petitioners have prayed for a writ order or direction in the nature of Mandamus commanding the Respondents to declare the results/marks of the Petitioners of the written examination dated 20.2.2011.

5. It is an admitted fact that the Petitioners have applied for more than one centre. The Petitioners also claim that there have been cases where the candidature of the person who has applied for two centers has been entertained. Learned Counsel for the Petitioners has make this specific reference to such candidature in the supplementary affidavit which has been filed in Court today.

6. Be that as it may, no relief can be granted to the Petitioners as there is a categorical prohibition for applying in two centers. Further, two wrongs do not make a right and in case the wrong has been committed by the State Authorities, Mandamus cannot be issued to State Authorities to commit the same wrong again as has clearly been stated in a decision of Hon''ble Supreme Court namely Directorate of Film Festivals and Others Vs. Gaurav Ashwin Jain and Others, In such circumstances the only relief for the Petitioners, in case they choose, is to challenge the appointment of such persons who have applied for such centres and their candidature has been entertained. It is reiterated that no relief can be granted to the Petitioners by this Court, as two wrongs do not make a right.

7. The writ petition is, therefore, dismissed.

8. No order as to costs.