
(2010) 12 UK CK 0174
In the Uttarakhand High Court
Case No : Writ Petition No. 88 of 2008 (S/B)

Dr. Anil Kumar

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 01-12-2010

Acts Referred:

Citation : (2010) 12 UK CK 0174

Hon'ble Judges : Barin Ghosh, C.J.;V.K. Bist, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Barin Ghosh, C.J.—Mr. Ajay Veer Pundir, learned Counsel for the Petitioner and Mr. Vinay Kumar, learned Standing Counsel for the State/Respondent Nos. 1, 2, 4 & 5.

2. There is a post of Lecturer Anesthetist. Notifications/advertisements had been published on 3rd March, 2008 and on 26th April, 2008 for selecting a suitable candidate to be appointed on contractual basis as Lecturer Anesthetist. In the notifications/advertisements, it had been stated that the existing Government employees shall not be eligible to respond to the said notifications/advertisements. Petitioner has necessary qualifications for being appointed as Lecturer Anesthetist. He is a Government employee. He has been asked to discharge the duties of Lecturer Anesthetist. He wants to be adjusted as Lecturer Anesthetist and accordingly, claims that those notifications/advertisements should not be pursued further. The Government has decided that for the time being the post of Lecturer Anesthetist shall be supplied by a contractual employee, which shall be a lesser burdened to the State. That is explicit in the notifications/advertisements. An existing Government employee cannot interfere with the said decision of the Government and contend that instead of appointing a Lecturer Anesthetist on contractual basis, the Government should appoint a Lecturer Anesthetist on permanent basis, exposing the Government to higher financial obligations. The writ petition is thoroughly misconceived and the same

is dismissed.