

(2011) 07 UK CK 0160

In the Uttarakhand High Court

Case No : Writ Petition No. 184 of 2011 (S/B)

Dr. Kapil Sharma

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 26-07-2011

Acts Referred:

Citation : (2011) 07 UK CK 0160

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

Bench : Division Bench

Judgement

Barin Ghosh, C.J. and V.K. Bist, J.—On 14th July, 2011, learned Chief Standing Counsel for the State sought seven days' time to seek instructions in the matter. Today, learned Chief Standing Counsel is not present, but the learned Standing Counsel, appearing on behalf of the State and representing Respondent Nos. 1 and 2, submitted that as yet, no instructions have been received.

2. It appears that the vacancy in the post of Ayurvedic Doctors, totaling to 564, was announced by an advertisement. Subsequently, the same was purported to be reduced by 227, on the ground that in those posts people working on contract basis would be adjusted on ad hoc basis. We wanted to know the basis for deciding to make contractual employees ad hoc employees; we wanted to know whether the State Government has taken any policy decision in that regard and whether the same is supported by any rule framed, which has the force of law. Those have not been supplied.

3. Accordingly, as an interim measure, we direct stay of the Notification, by which the advertised posts were reduced by 227 posts. Let the selection process, pursuant to the original advertisement for 564 posts, continue. Let appointments be given to the advertised posts, less the posts of 227 on the basis of merit and other criteria to be adopted.

4. Appointments to the 227 posts shall be subject matter of the writ petition.

5. Let counter affidavit be filed within four weeks from today. Rejoinder affidavit thereto be filed two weeks thereafter.
6. List the matter thereafter.