
(2011) 08 UK CK 0088

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 233 of 2011

Dr. Sudha Dimri

APPELLANT

Vs

State of Uttarakhand and Another

RESPONDENT

Date of Decision : 26-08-2011

Acts Referred:

Citation : (2011) 08 UK CK 0088

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

Bench : Division Bench

Judgement

Barin Ghosh, C.J.

(Stay Application No. 8794 of 2011)

1. In respect of the vacancies that were contemplated to accrue for the recruitment year 2010-2011, as submitted by the learned Counsel for the Uttarakhand Public Service Commission (herein after referred to as "the Commission"), were ascertained in the year 2010 and a requisition therefor was given to the Commission in the year 2010 itself and, accordingly, Commission published an advertisement inviting response in August 2010. On 11th July, 2010, the rules governing the field were amended, whereby only for the selection year 2010-11, which we proceed to hold at this stage as "the recruitment year" 2010-11, Medical Officers, working as contractual Medical Officers in the Department continuously for one or more than one year, were accorded 10 years" age relaxation in the upper age limit. The Commission contends that inasmuch as the said amendment was effected after the advertisement was published, the Commission could not be compelled to give effect to the said amendment. Learned Counsel for the Commission submitted that out of 560 vacancies, originally determined by the Department and notified to the Commission, stands reduced by 227 on the ground that the contractual employees numbering 227 may be given ad hoc appointment in those 227 posts. Learned Counsel submitted that the purpose of the said amendment was, thus, served. At the same time, learned Counsel for the Commission has brought to

our notice that a writ petition has been filed, where a challenge has been thrown to the steps taken by the State Government to give ad hoc status to contractual employees. We think, therefore, that this writ petition is required to be heard alongwith Writ Petition (S/B) No. 184 of 2011.

2. In the meantime, it would be appropriate on the part of the Commission to complete the selection but not to finalize the select list. We, accordingly, direct the Commission not to finalize the select list.

3. The application is, accordingly, disposed of.

(Writ Petition (S/B) 233 of 2011)

4. Let counter affidavit to this writ petition be filed within three weeks from today. Rejoinder affidavit thereto be filed within one week thereafter.

5. List this matter four weeks hence alongwith Writ Petition No. 184 of 2011.