

(2011) 04 UK CK 0021

In the Uttarakhand High Court

Case No : Writ Petition No. 246 of 2011 (S/S)

Heera Singh Bhakuni and Another

APPELLANT

Vs

State of Uttarakhand and Another

RESPONDENT

Date of Decision : 07-04-2011

Acts Referred:

Citation : (2011) 04 UK CK 0021

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Judgement

Sudhanshu Dhulia, J.—In this writ petition, the selection process for appointment to the post of Veterinary Pharmacist was under challenge. This Court while calling for the counter affidavit from the State Authorities has passed the following orders:

Heard Mr. Manoj Tiwari, Senior Advocate assisted by Mr. Rajesh Joshi, Advocate for the Petitioners.

Admit.

Notices on behalf of both the Respondents have been accepted by Mr. N.P. Sah, Standing Counsel for the State of Uttarakhand.

Since this has been brought to the notice that many such writ petitions have been filed in this Court challenging the selection/appointment of Veterinary Pharmacist, this Court, though hesitant to interfere in the selection process, realizes that there is an urgency in the matter and therefore, two weeks" time is granted to the State to file its counter affidavit.

List this matter on 7.4.2011 in the daily cause list.

The Petitioners were candidates for the post of Veterinary Pharmacist. The Petitioners state that although they did their diploma in the year 1999, the candidates who have done diploma in years 2009 and 2010 have been selected

though as per the Rules year-wise selection had to be made. On this averment, it is directed that though Respondent No. 2 may continue the selection process, and in case they issue appointment letters to the selected candidates, it will be specified that their appointments shall be subject to the final outcome of the writ petition.

2. Today, Sri N.P. Sah, learned Standing Counsel for the State has produced before this Court a fax message which he has received from the Director, Department of Animal Husbandry, Uttarakhand which states that the aforesaid selections for the post of Veterinary Pharmacists have been cancelled. There has been a notice to this effect in "Dainik Jagran" dated 5.4.2011 as well which has also been placed by the learned State Counsel. Both these documents are being placed on record.

3. In view of the above, since the entire selection itself has been cancelled, the cause of action for filing the writ petition does not survive. Writ petition is accordingly disposed of.

4. However, it is directed that the Director, Department of Animal Husbandry, Uttarakhand or the authorities concerned who will ultimately make a selection to bear in mind that the selections are made in accordance with law.