
(2019) 05 UK CK 0051

In the Uttarakhand High Court

Case No : Writ Petition No. 23 (MS) Of 2019

Management Committee

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 07-05-2019

Acts Referred:

Citation : (2019) 05 UK CK 0051

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Advocate : K.H. Gupta, M.S. Bisht

Final Decision : Allowed

Judgement

Alok Singh, J

1. Brief facts of the present case, inter alia, are that petitioner college is being run under the grants in aid scheme of Government of Uttarakhand. Four

posts of Lecturer were sanctioned vide order dated 14.03.2014. Vide order dated 29.08.2018, respondent no. 4 Chief Education Officer Pauri

Garhwal granted permission for the selection process and for issuance of advertisement for three posts of Lecturer in the petitioner institution. On

15.09.2018, petitioner college advertised the posts of Lecturer in Chemistry, Maths and Biology. Vide letter dated 20.11.2018 respondent no. 4 decided

the date and venue of the interview of the candidates and ordered to call first seven candidates as per merit list and further directed the Management

Committee to nominate two candidates for selection board as per Rules. Vide resolution dated 05.12.2018, Management Committee nominated the

Chairman of the Committee and Principal of the College as members of the selection board. As per schedule, on 7.12.2018, first seven candidates

turned up for interview. Subject expert so nominated by respondent no. 4 failed to participate in the interview process, therefore, selection process

could not be completed. Feeling aggrieved, petitioner has approached this Court.

2. Heard Mr. K.H. Gupta, Advocate for the petitioner and Mr. M.S. Bisht, Brief Holder for the State of Uttarakhand / respondents and perused the record.

3. Mr. K.H. Gupta, Advocate for the petitioner submits that due to non availability of subject teachers, students are suffering a lot; respondent no. 4

has deliberately not sent the subject expert and due to incompleteness of Selection Committee, selection process is still pending.

4. Mr. M.S. Bisht, Brief Holder for the State of Uttarakhand submits that as per para (dd) of the notification dated 25.04.2018, selection process has

to be completed within three months, therefore, petitioner should initiate for fresh process of selection.

5. After completing all the formalities and doing all the needful exercise, top seven candidates in merit lists were called for interview and they

appeared. Selection process could not be completed due to laxity on the part of respondent no. 4. Amended Regulation 10 (d) (Annexure No. 1 to the

writ petition) provides that if due to some unavoidable circumstances, subject expert could not attend the selection process, the Chief Education

Officer shall immediately send the second expert in waiting list to attend the selection process. Respondent no. 4 in counter affidavit nowhere stated

that who was the subject expert nominated to attend selection process and as to why that subject expert could not attend the selection process and

who was second expert in the waiting list and why he has not sent him immediately.

6. Considering the facts and circumstances of the case, I am of the firm view that selection process could not be completed due to laxity on the part of

respondent no. 4, therefore, there is no need to initiate fresh selection process.

7. Writ petition is allowed. Selection process initiated in pursuance to the advertisement dated 15.09.2018 should go on. Respondents are directed to

again fix the date of interview and inform the candidates well within time. Respondent no. 4 is directed make list of experts, who will participate in the

interview process. Respondents shall complete the selection process within two months today.