
(2023) 10 UK CK 0041

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1901 Of 2023

Nidhi Sharma

APPELLANT

Vs

Uttarakhand Medical Service Selection Board And Others

RESPONDENT

Date of Decision : 10-10-2023

Acts Referred:

Citation : (2023) 10 UK CK 0041

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : P.C. Pethshali, Yogesh Upadhyay, B.S. Koranga, Nishant Krishna Adhikari

Final Decision : Dismissed

Judgement

Pankaj Purohit, J

- 1) Heard learned counsel for the parties.
- 2) By means of this writ petition, petitioner has sought indulgence of this Court for quashing the order dated 05.10.2023 (Annexure no.7) issued by respondent no.1, whereby the candidature of petitioner for the post of 'Refractionist' has been rejected.
- 3) It is submitted by learned counsel that an advertisement was issued by respondent no.1 on 13.08.2021 supplying the vacancies, inter alia, on the post of 'Refractionist' in Medical Health Department of the State. The petitioner submitted her application form and according to her, she secured 52 marks out of 100, and found place in the merit list, but during verification of documents, the Selecting Body rejected her candidature on the ground that petitioner was not holding a valid registration certificate issued by Uttarakhand State Medical Faculty or Uttarakhand Para-Medical Council issued by the respondent no.3. The Selecting Body, during verification of documents, found that the aforesaid certificate was not valid till the last date of application i.e. 27.1.2022. It is also stated by the Selecting Body that the petitioner got herself registered with

respondent no.3 on 05.02.2013, and her certificate was valid up to 04.02.2018. Till 27.01.2022, the registration was not renewed, accordingly, the petitioner was declared ineligible, and consequently, her candidature was rejected.

4) It is submitted by the learned Counsel that the petitioner was holding a certificate issued on 05.02.2013 renewed on 3.10.2023, and since the certificate has been renewed, it would relate back to the last date of submission of application form.

5) Attention of this Court has been drawn to the renewed certificate (annexed as Annexure No.3 to the petition) having validity up to 05.02.2028.

6) Having regard to the facts and circumstances of case, this Court does not find any favour with the arguments put forth by learned Counsel for the petitioner for the reason that it is well-settled that the validity of a document is to be seen on the last date of submission of application form. In the case on hand, last date i.e. 27.1.2022 was the cut-off on which date, petitioner was not in possession of a valid certificate. In Clause No.06 of the advertisement issued for the subject post, it is clearly mentioned that on the last date of submission of on-line application, the candidate applying for the subject post must be in possession of a valid/renewed permanent registration certificate issued either by the Uttarakhand State Medical Faculty or Uttarakhand Para-Medical Council. Needless to mention that the terms and conditions of the advertisement are of paramount importance which cannot be altered and the recruitment always abide by those conditions.

7) In these facts, I am of the considered opinion that there is no illegality or perversity in the action taken by the respondent authorities in rejecting the petitioner's candidature for want of valid documents as on the last date of application.

8) The writ petition sans merit and the same is, accordingly, dismissed. However, there would be no order as to costs. (Pending application, if any, stands disposed of accordingly)