
(2011) 04 UK CK 0053

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 266 of 2011

Smt. Ritu Bahuguna

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 07-04-2011

Acts Referred:

Citation : (2011) 04 UK CK 0053

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. V.P. Bahuguna, Advocate for the Petitioner.

Admit.

Notices on behalf of Respondent Nos. 1 and 2 have been accepted by Mr. N.P. Sah, Standing Counsel for the State of Uttarakhand.

Notices may go to Respondent Nos. 3 to 9. Steps to be taken within three days.

Since this has been brought to the notice that many similar writ petitions have been filed in this Court challenging the selection /appointment of Veterinary Pharmacist, this Court, though this Court is not inclined to interfere in the selection process at the present stage it also realizes that there is an urgency in the matter and therefore, only ten days' time is granted to the State to file its counter affidavit. The State Counsel states that he may be filing his counter affidavit by that time.

List this matter on 7.4.2011 in the daily cause list.

The Petitioner was a candidate for the post of Veterinary Pharmacist. The

Petitioner states that although she has got 81.71 % marks, the candidates having lesser marks than the Petitioner have been selected inasmuch as the Petitioner has pointed out from the annexure No. 6 filed by her that Respondent Nos. 3 and 5 to 9 who have got lesser marks than the Petitioner have been selected in general category of which the Petitioner is also a candidate. On this averment, it is directed that the selection and the consequent appointment which will be made shall be subject to the final outcome of this writ petition and other similar writ petitions. 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 and other similar writ petitions.

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.