

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	25.07.2024		<p>SPA No. 231 of 2024</p> <p><u>Hon'ble Ritu Bahri, C.J.</u></p> <p><u>Hon'ble Rakesh Thapliyal, J.</u></p> <p>Mr. Devadatt Kamat, learned Senior Advocate, assisted by Mr. Vikas Bahuguna, Ms. Revanta Solanki and Hruday P. Bajentri, learned counsel for the appellants, Mr. P.C. Bisht, learned Additional Chief Standing Counsel for the State of Uttarakhand/respondent Nos. 1 to 4 and Mr. Nishant Krishna Adhikari, learned counsel holding brief of Mr. Ramji Srivastava, learned counsel for respondent No. 5.</p> <p>2. After hearing learned counsel for the parties at length, the short issue for consideration in this Appeal is that initially, in the 2020 Advertisement, total 2621 posts of Nursing Officer were advertised. However, subsequently, this advertisement was withdrawn and the 2621 posts were diverted into two Departments and two separate selection processes were initiated. In the first selection process, 1564 posts were advertised and in that advertisement, one of the conditions was that</p>

the preference will be given to the candidates, who are senior in graduation and the age, and pursuant to that condition, the selection was completed, and 1564 candidates, who were senior in graduation and the age, were given preference and appointed and subsequently, 1455 posts were advertised vide Advertisement dated 11th March, 2024 and in this Advertisement also, one of the conditions was that the persons, who are senior in graduation and the age, and in-service candidates will also be permitted to participate.

3. Since initially, there were 2621 posts, out of which 1564 posts have already been filled-up by giving the benefit of being senior in graduation and age, in the second advertisement, if the selected candidates are allowed to participate as per the condition of the relaxation they will be the ones to be selected again and this will cause discrimination to the candidates, who have not been given the benefit of fair selection only on the ground that they are senior in age.

4. Notice of motion.

5. Let the respondents file their counter affidavits before the next date of listing.

6. In the meantime, the 1564 candidates, who have

already been given the benefit being senior in graduation and age and have been selected, will not be allowed to participate in this selection process.

7. List this matter on 27.11.2024.

(Rakesh Thapliyal, J)

25.07.2024

(Ritu Bahri, CJ)

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