

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			WPSS No.160 of 2024 With WPSS No.161 of 2024 WPSS No.162 of 2024 WPSS No.164 of 2024 WPSS No.165 of 2024 <u>Hon'ble Pankaj Purohit, J.</u> Mr. K.K. Tiwari and Mr. T.P.S. Takuli, learned counsel for the petitioner(s). 2. Mr. Narayan Dutt, learned Standing Counsel for the State. 3. Mr. Nishant Krishna Adhikari, learned counsel holding brief of Mr. Ramji Srivastava, learned counsel for the selecting body- Uttarakhand Medical Service Selection Board. 4. Heard learned counsel for the parties. 5. An advertisement was issued by selecting body on 01.02.2024 for supplying the vacancy of Health Worker (Female) in the Medical Health and Family Welfare Department of Uttarakhand State. Petitioners are aggrieved by condition no.8 of the advertisement, whereby the upper age limit for the candidates participating in the said selection shall be 42 years on 01.07.2023. 6. It is the contention of learned counsel for the petitioner(s) that as per Rule 14 of the Uttarakhand Medical Health Family Welfare Health Worker and Health Supervisor (Male and Female) Service Rules, 2016, the State is required to determine the number of vacancies to be filled up during the course of the year and

			since the recruitment year begins w.e.f. 1st July of every year, State should also endeavor to fill up the vacancies by advertising the same every year. It is further contended that for the post of Health Worker (Female), the advertisement was issued by the respondent-State in the year 2016 and thereafter, the advertisement was also issued in the year 2018, but the same was cancelled by the State and finally in the year 2022, the advertisement was issued which resulted into the supplying the vacancies after selection. But in the year 2023, no advertisement was issued for supplying the vacancies which has to be determined by the State on the post of Health Worker (Female) in the department. 7. It is also contended that had the advertisement was issued by the selecting body on the requisition submitted by the State in the year 2023, petitioners would not have become overage. In this batch of writ petitions, the petitioners have become overage by 13 days, 20 days, 7 months and 11 months and so on. He further relied upon the judgment passed by this Court in WPSS No.134 of 2023, decided on 30.10.2023 and batch of writ petitions, whereby the age relaxation was given to the petitioners of that writ petition owing to the same circumstances. 8. Per contra, learned State Counsel submits that there is no unreasonable delay in issuing
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			the advertisement and it is prerogative of the State to fix the cut-off date and there is nothing in the Service Rules, which oblige State to fill the vacancy year wise by issuance of advertisement every year. 9. The same set of submissions has been adopted by the counsel of the selecting body. 10. Having considered the submissions made by learned counsel for the parties, in the opinion of this Court, the matter requires to be deliberated after calling counter from the respondents. 11. Respondent(s) are directed to file counter affidavit(s) within a period of six weeks. 12. Thereafter, two weeks' time is granted to the petitioner(s) to file rejoinder affidavit(s). 13. Since the last date of submission of application form is 04.03.2024, as an interim measure, it is provided that the Selecting Body shall accept the application form of the petitioner(s) for the post of Health Worker (Female), pursuant to the advertisement dated 01.02.2024 and shall permit them to participate in the selection process. The selection of the petitioner(s) shall be subject to the final outcome of the writ petition. 14. List this matter on 03.05.2024. (Pankaj Purohit, J.) 15.02.2024 AK
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