

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>03.04.2024</u>		WPPIL No.48 of 2024 <u>Hon'ble Ritu Bahri, C.J.</u> <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Kartikey Hari Gupta, learned counsel with Mr. Rafat Munir Ali, learned counsel, for the petitioner. 2. Mr. S.N. Babulkar, learned Advocate General assisted by Mr. P.C. Bisht, learned Standing Counsel, for the State of Uttarakhand. 3. Mr. Ashish Joshi, learned counsel, for the respondent no.2. 4. A short question for consideration in the present Public Interest Litigation is that whether as per the advertisement dated 14.03.2024, Annexure no.2, the State Government can reserved the posts, which are meant only to those women, who have domicile certificates of the State of Uttarakhand. 5. Learned counsel for the petitioner says that as per the advertisement, which is at page no.17 of the paper book, the nature of the posts advertised are of Class II category, and the selected candidates will be promoted as Class I Officers, and the reservation based on the basis of domicile cannot be sustained. 6. Learned counsel for the petitioner has

			referred to a judgment passed in WPIL No.67 of 2011, "In the matter of appointments of activists on Group "C" and Group "D" posts under the Uttarakhand Rajya Andolan Ke Ghayal/Jail Gaye Andolankariyon Ki Sewayojan Niyamawali, 2010 Vs. State of Uttarakhand and others", on a preposition if the policy decision to reserve the post has been made is against Article 16 of the Constitution of India, it can be challenged in the Public Interest Litigation. 7. Notice regarding stay. 8. Learned counsel for the State accepts notice on behalf of respondent no.1. 9. Learned Advocate General seeks time to assist the Court on the case law. 10. Counter affidavit to be filed within four weeks. 11. List on 07.05.2024. (Rakesh Thapliyal, J.) (Ritu Bahri, C.J.) 03.04.2024 NR/
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