



2025:UHC:9695-DB

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

HON'BLE THE CHIEF JUSTICE SRI G. NARENDAR  
AND  
HON'BLE SRI JUSTICE SUBHASH UPADHYAY  
**03<sup>RD</sup> NOVEMBER, 2025**

**WRIT PETITION (SB) No. 347 OF 2022**

Dr. Rajeev Gautam and others. ....Petitioners

Versus

State of Uttarakhand and others. ...Respondents

**WRIT PETITION (SB) No. 352 OF 2022**

Vijay Prakash Sharma and others. ....Petitioners

Versus

State of Uttarakhand and others. ...Respondents

Counsel for the petitioners. : Mr. Abhilash Nainwal and Mr. Shivanand Bhatt, learned counsel.  
Counsel for the respondents : Mr. S.S. Chaudhary, learned Standing Counsel for the State of Uttarakhand. Mr. Ramji Srivastava, learned counsel for respondent No. 3. Mr. Rajesh Sharma and Mr. B.S. Parihar, learned Standing Counsels for the Union of India.

**JUDGMENT** : (per Sri G. Narendar, C.J.)

Heard learned counsel for the petitioners, learned Standing Counsel for the State, learned counsel for respondent No. 3 and learned Standing Counsel for the Union of India.

2. We have perused the reliefs sought for the in the writ petition. The petitioners have sought for the following reliefs in WPSB No. 347 of 2022: -

*"a) Issue a writ, order or direct ion in the nature of Mandamus commanding the respondents to give age*



*relaxation of 6-09 years to the petitioners in upper age limit, enabling them to submit their application form to participate in the selection process initiated by the respondent no. 3 pursuant to the advertisement no. U.M.S.S.B./EXAM (HMO)/05/2021-22/53 dated 09.06.2022;*

*b) Issue a writ, order or direction in the nature of Mandamus commanding the respondent no. 3 to accept the application forms of the petitioners and permit them to participate in the selection process pursuant to the advertisement no. U.M.S.S.B./EXAM (HMO)/05/2021-22/53 dated 09.06.2022 and to select them accordingly as per their merits.*

*c) Issue any suitable order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.*

*d) Award costs of the petition to the petitioners."*

4. In Writ Petition (S/B) No. 352 of 2022, the following reliefs have been sought by the petitioners therein: -

*"a. Issue a writ order or direction in the nature of certiorari quashing the effect and operation of condition of upper age limit as 42 years on applying for the post of Medical Officer (Homeopathic) in condition no. 7 of the advertisement dated 9.6.2022 (Annexure-6 to the writ petition).*

*b. Issue a writ order or direction in the nature of mandamus commanding the respondents to grant age relaxation of 4 to 9 years to the petitioners in the upper age limit criteria on the ground of their continuous service as Medical Officer (Contractual) since May 2010 to till date as since 2010 no regulation selection has been initiated by the respondents, and accordingly petitioners be permitted to participate in the selection process.*

*c. Issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.*

*d. Award cost of the petition."*

5. In our opinion, the relaxation of age would not accord any succor to the petitioners, as most of the petitioners



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are aged 50 years or above. In that view, they will not acquire the qualifying service enabling them for pension.

6. In that view, learned counsel for the petitioners pray leave to withdraw the writ petitions with leave to file separate petitions seeking appropriate reliefs.

7. The submission is placed on record.

8. The writ petitions are, accordingly, dismissed as withdrawn by reserving the liberty to the petitioners to file separate petitions seeking appropriate reliefs.

9. Pending application, if any, also stands disposed of.

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**G. NARENDAR, C.J.**

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**SUBHASH UPADHYAY, J.**

Dt: 03<sup>rd</sup> November, 2025  
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