

| SL. No. | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGE'S ORDERS |
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| | | | <p><u>CLCON No. 318 of 2025</u> <u>Hon'ble Rakesh Thapliyal, J.</u></p> <ol style="list-style-type: none"> 1. Mr. Shobhit Saharia, learned counsel for the petitioner. 2. Mr. Shailendra Nauriyal, learned counsel for the respondent. 3. Petitioner Satyendra Singh Kumain participate in a group 'C' examination for the post of Assistant Accountant conducted by Uttarakhand Subordinate Service Selection Commission and aggregate he obtained above 45% marks, however, his candidature was rejected on the ground that in one paper he obtained less than 45% marks. Against cancellation of his candidature, he preferred WPSS No. 573 of 2016 which was dismissed against which Special Appeal No. 358 of 2017 was preferred which was allowed by the Division Bench on 22.04.2025. 4. While allowing the appeal, the Division Bench clearly hold that denial of appointment to the appellant is unsustainable only on the ground that he could not secure minimum 45% marks in both the papers. Further, Uttarakhand Subordinate Service Selection Commission was also directed to recommend the name of the appellant for appointment as Assistant Accountant ,if he is entitled for such appointment, as per his score of marks amongst OBC category candidates. 5. On perusal of the judgment of Division Bench, it is very clear that 45% marks was required in aggregate in both the papers. 6. It is very strange that despite the judgment passed by the Division Bench, Dr. Shiv Kumar Barnwal, Secretary, Uttarakhand |

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| | | | <p>Subordinate Service Selection Commission issued office memorandum on 02.07.2025 and reject the candidature of the petitioner on the same ground which in fact was turn down by the Division Bench.</p> <p>7. The instant contempt petition has been moved by the petitioner on the ground that the reasoning given by the Secretary, UKSSSC in the office memorandum dated 02.07.2025 for cancelling his candidature is in flagrant violation of the judgment passed by the Division Bench.</p> <p>8. Response was asked from the Secretary and now he has filed the response affidavit wherein in para 7 and 10 following statement has been made:</p> <p><i>7. That the petitioner could not secure his position in the select list as the marks obtained by him was lesser to the cut off marks in one paper of written examination.</i></p> <p><i>10. That since, the petitioner could not secure minimum bench of marks in one of the papers, therefore, he cannot be selected against the post of Assistant Accountant. In case the petitioner would have selected, ignoring his scored marks which are less than bench of marks, it would have affected the entire selection and in case the petitioner is selected and included in the select list, it will entirely affect the select list. Therefore, the representation of petitioner was rejected after due consideration on 02.07.2025.</i></p> <p>9. On perusal of the response affidavit and office memorandum dated 02.07.2025, it is very clear that the respondent/contemnor, willfully disobeyed the judgment rendered by the Division Bench dated 22.04.2025 in SPA No. 358 of 2017.</p> <p>10. In such view of the matter the following charge is being framed against Dr. Shiv Kumar Barnwal, who is present through V.C.</p> <p><i>“That the respondent/contemnor Dr. Shiv Kumar Barnwal while issuing office memorandum on 02.07.2025, annexed as Annexure 3 to the contempt petition as well as</i></p> |
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on 26.08.2025 wherein he filed the response affidavit, committed contempt of this Court and is liable to punish under section 12 of Contempt of Courts Act, 1971.

11. The aforesaid charge is now read over and explained to the contemnor.

12. Put up this matter on 12.05.2026.

13. The respondent/contemnor shall remain present in Court.

(Rakesh Thapliyal, J.)

11.05.2026

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