

**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**  
**WRIT PETITION (CIVIL) NO.174 OF 2025**

**VISHAL THAKUR**

**...PETITIONER**

**VERSUS**

**THE HIGH COURT OF UTTARAKHAND  
& OTHERS**

**...RESPONDENTS**

**ORDER**

1. We have heard learned senior counsel and learned counsel appearing for the respective parties.
2. Learned counsel for the respondent(s)/High Court submitted that the High Court of Himachal Pradesh vide its communication dated 02.02.2026 has extended the time of the petitioner for joining as Civil Judge in the Himachal Pradesh Judicial Service by a month with effect from 02.02.2026 and that no further extension would be permitted.
3. Learned counsel for the petitioner submitted that having regard to order dated 15.01.2026 passed by this Court in **Anubhuti Goel & Another vs. The High Court of Uttarakhand & Others**, Writ Petition

(C) No.172/2025, a similar order may also be made in this writ petition.

4. The order dated 15.01.2026 passed in **Anubhuti Goel & Another** reads as under:-

“This Writ Petition filed under Article 32 of the Constitution of India is seeking the following reliefs:

“a) Issue a Writ of mandamus directing the Respondent No.1 to quash the rejection letter issued by Respondent No.1 dated 19.02.2025 and direct the Respondent No.1 to grant permission to the petitioners to appear in the viva-voce of the Delhi judicial services Examination-2023 scheduled on 28.02.2025.

b) Pass any other order(s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case to do complete justice to the present writ petitioners.”

2. Briefly stated, the facts of the case are that petitioner No.1 herein is currently serving as Civil Judge (Jr. Div.) at Dhari, District, Nainital and petitioner No.2 is serving as Civil Judge (Jr. Div.) at Pratap Nagar, District Tehri Garhwal in the State of Uttarakhand (hereinafter referred to as “petitioners”).

3. On 01.03.2023, the Uttarakhand Public Service Commission, by way of Advertisement No. 10/DR/E-2/Civil Judge/2022-23, invited applications for the recruitment of Civil Judges in the Uttarakhand Judicial Services. Petitioners herein submitted their respective applications and appeared for the preliminary examination scheduled on 30.04.2023. Thereafter, upon successfully clearing the preliminary examination, petitioners appeared for the main examination of the Uttarakhand Judicial Services Examination held between 05.12.2023 and 09.12.2023.

4. In the interregnum, the High Court of Delhi, on 06.11.2023, by way of an advertisement, invited applications for recruitment in the Delhi Judicial Services through the Delhi Judicial Service Examination-2023. Petitioners herein applied for the said examination as well. The High Court of Delhi, on 12.12.2023, issued admit cards, pursuant to which the petitioners appeared for the preliminary examination of the Delhi Judicial Service Examination-2023 held on 17.12.2023. After successfully qualifying the preliminary examination, petitioners appeared for the main examination held on 13.04.2024 and 14.04.2024.

5. In the meantime, on 06.05.2024, the final result of the Uttarakhand Judicial Services Examination was announced, in which petitioners were declared successful and were selected as Civil Judges. Accordingly, the Government of Uttarakhand issued a notification dated 08.07.2024, approving the appointment of selected candidates, including the petitioners, with a probation period of two years.

6. The High Court of Uttarakhand, on 11.07.2024, officially appointed and posted the petitioners as Civil Judges.

7. During their service as Civil Judge in the State of Uttarakhand, the High Court of Delhi published the result of the Delhi Judicial Service Mains Examination-2023 on 07.01.2025, wherein the petitioners were declared successful and were shortlisted for the viva-voce. As per the schedule released by the High Court of Delhi, the petitioners' interview was scheduled on 21.02.2025. Therefore, in accordance with the procedure, petitioners herein submitted an application to the High Court of Uttarakhand on 05.02.2025, seeking prior approval to appear in the viva-voce for the Delhi Judicial Service Examination-2023.

8. The High Court of Uttarakhand, through its Registrar General by way of letter No.1172/XIV/a-7/Admin.A2/2024 dated 19.02.2025, rejected the petitioners' applications to appear in the viva-voce of the Delhi Judicial Service Examination-2023. Being Aggrieved, the petitioners herein preferred the present writ petition under Article 32 read with Article 142 of the Constitution of India, before this Court, seeking issuance of writ of mandamus directing the first respondent-High Court to quash the rejection letter dated 19.02.2025 and to grant permission to the petitioners to appear in the viva-voce of the Delhi Judicial Services Examination-2023 scheduled on 28.02.2025.

9. Learned senior counsel for the petitioners submitted that the petitioners have been successful in the viva-voce examination of the Delhi Judicial Service Examination-2023 which they took pursuant to the interim order of this Court dated 25.02.2025 and they now intend to join the Delhi Judicial Service and hence, they seek permission for cessation of their service as judicial officers in State of Uttarakhand and permission to join the Delhi Judicial Service. Learned senior counsel submitted that initially the Writ Petition was filed for the limited relief of assailing the rejection letter issued by the first respondent dated 19.02.2025 and for a direction to grant permission to them to appear in the viva-voce examination of the Delhi Judicial Service Examination-2023; that since the petitioners herein have been declared to be meritorious and are entitled to join the Delhi Judicial Service, permission is now being sought to join the Delhi Judicial Service by cessation of their judicial service in the respondent-State of Uttarakhand. Learned senior counsel submitted that although vacancies may arise owing to their migration to join the Delhi Judicial Service, the

fact remains that their rights cannot be frustrated only because the said vacancies would ensue. He contended that innumerable vacancies arise every year for various reasons and the respondent(s)-High Court would always fill those vacancies by recruitment. However, only because vacancies would arise in the Uttarakhand Judicial Service, permission cannot be declined. He contended that Articles 19(1)(d), 19(1)(e) and 19(1)(g) of the Constitution of India envisage the right of movement, residence and settlement, and the right to profession, which are guaranteed as fundamental rights. Therefore, the prayers made by the petitioners herein may be accorded by this Court.

10. *Per contra*, learned counsel for the respondent No.1-High Court submitted about the difficulties that would arise owing to the vacancies resulting in pendency of cases in the courts presided over by the petitioners herein which aspect could be appreciated by this Court. He further submitted that this would become a pattern and judicial officers who joined the Uttarakhand Judicial Service, if permitted to migrate to other States or Union Territories, there would be a dent in the strength of the judicial service of the Uttarakhand State and consequently affect the litigant public. He therefore submitted that the prayer sought for by the petitioners may not be granted having regard to the aforesaid submission.

11. Learned counsel for the first respondent also submitted an extract of the minutes of the full court meeting of the High Court of Uttarakhand, Nainital held on 07.01.2026 to the effect that the High Court would abide by the decision that would be taken in this writ petition.

12. Learned counsel for the third respondent-Delhi High Court submitted that the High Court would abide by the directions to be issued by this Court. However, the petitioners ought to join service in terms of their seniority and as per their merit in the select list on or before 13.02.2026 as the other judicial officers have already joined the service in the month of August, 2025 itself.

13. We have considered the arguments made at the bar in light of the prayers made by the petitioners herein as well as having regard to the provisions of the Constitution.

14. We have also borne in mind the submissions made by the learned counsel for the first respondent-High Court of Uttarakhand.

15. The matter is one of balancing the interests of the petitioners herein who intend to migrate from the Uttarakhand Judicial Service to join the Delhi Judicial Service owing to their personal reasons as they have been successful in the Delhi Judicial Service recruitment examination and the interest of the Uttarakhand Judicial Service resulting in vacancies on account of the migration of the petitioners-judicial officers and the consequent impact that it would have.

16. We find that in the present case, the interest of the petitioners would have an overriding effect as compared to the interest of the respondent-Uttarakhand Judicial Service and the interest of the first respondent-High Court. The vacancies which would ensue could always be filled by the recruitment which could be made at the earliest. But any denial of the prayers of the petitioners herein may result in negativity, frustration and also in violation of the fundamental rights envisaged by the Constitution of India.

17. In the circumstances, we find that the prayers sought for by the petitioners are liable to be allowed and are accordingly allowed. The first respondent shall take steps to pass an order with regard to the cessation of their service in the State of Uttarakhand so as to enable them to join the Delhi Judicial Service well before 13.02.2026.

18. It is needless to observe that the merit of the petitioners herein shall be in accordance with their merit in the Select List and the delay that has been caused in joining the Delhi Judicial Service shall not affect their seniority in the merit list.

19. The Writ Petition is allowed and disposed of in the aforesaid terms.”

5. Learned counsel for the petitioner submitted that in compliance of the communication dated 02.02.2026 of the High Court of Himachal Pradesh, the petitioner would join the Himachal Pradesh Judicial Service as early as possible and within a period of one month from 02.02.2026.

6. Having heard learned counsel for the parties and having perused the facts of the instant matter, we are of the considered view that the principles laid down by this Court in **Anubhuti Goel & Another** should also squarely apply to the instant case. We order accordingly.

7. The writ petition is allowed and disposed of in the aforesaid terms by also recording the submission of learned counsel for the respondent – High Court of Himachal Pradesh.

....., **J.**  
**(B.V. NAGARATHNA)**

....., **J.**  
**(UJJAL BHUYAN)**

**NEW DELHI;**  
**FEBRUARY 04, 2026**

Writ Petition(s) (Civil) No(s). 174/2025

VISHAL THAKUR

Petitioner(s)

VERSUS

THE HIGH COURT OF UTTARAKHAND &amp; ORS.

Respondent(s)

[TO BE TAKEN IMMEDIATELY AFTER THE FRESH CASES ARE HEARD ]

IA No. 50860/2025 - EX-PARTE AD-INTERIM RELIEF

IA No. 50863/2025 - EXEMPTION FROM FILING O.T.

Date : 04-02-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :Mr. Siddhartha Dave, Sr. Adv.  
Ms. Divya Jyoti Singh, AOR  
Mr. Sumit Kumar, Adv.  
Mr. Nitin Yadav, Adv.  
Ms. Arundati Mukherjee, Adv.

For Respondent(s) :Mrs. D. Bharathi Reddy, AOR  
Mr. Nishant Sharma, Adv.  
Mrs. D.tejaswi Reddy, Adv.  
Ms. Adviteeya, Adv.

Mr. Siddharth Sangal, AOR  
Ms. Richa Mishra, Adv.  
Ms. Mrinalini Tandon, Adv.  
Ms. Kashish Tewatia, Adv.

Ms. Radhika Gautam, AOR  
Mr. Kunal Thakur, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The writ petition is allowed and disposed of in terms of  
the signed order.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)  
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)  
COURT MASTER (NSH)

(Signed order is placed on the file)