

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

Writ Petition No. 233 (SS) of 2014

42 CP Vijendra Kumar.Petitioner.
Versus

State of Uttarakhand
and others.Respondents.

Present:

Mr. Sandeep Kothari, Advocate for the petitioner.

Mr. Subhash Upadhyay, Standing Counsel for State of Uttarakhand/ respondents.

And

Writ Petition No. 234 (SS) of 2014

613 CP Devendra Ram Verma and others.Petitioners.

Versus

State of Uttarakhand
and others.Respondents.

Present:

Mr. Sandeep Kothari, Advocate for the petitioners.

Mr. Subhash Upadhyay, Standing Counsel for State of Uttarakhand/ respondents.

Hon'ble Alok Singh, J. (Oral)

Since in both the writ petitions, identical questions of law and identical facts are involved, therefore, both the petitions are heard together and with the consent of learned counsel for the both parties, both the petitions are being disposed of, at the preliminary stage, by this common judgment.

Learned counsel for the petitioners submits that petitioners are working as Constable (Civil Police), State of Uttarakhand. Respondents have issued an Advertisement / Notification dated 13.02.2014 inviting applications from Constables working with Uttarakhand Police for the posts of Sub Inspector. However, in the Advertisement / Notification

inviting applications for the posts of Sub Inspector, it is stipulated that only those Constables can apply, who have been finally allocated to State of Uttarakhand. Learned counsel for the petitioners further contends that petitioners have yet not been allocated to State of Uttar Pradesh and are still working with State of Uttarakhand, therefore, petitioners are also eligible to be considered for the posts of Sub Inspector.

Mr. Subhash Upadhyay, learned Standing Counsel for State of Uttarakhand submits that final allocation has already been made by the Central Government. He, however, fairly submits that let petitioners apply for the post of Sub Inspector and their cases shall be examined, in the light of judgment passed by this Court on 26.11.2013 in WPSS No. 967 of 2013 (Krishan Chandra Sharma Vs. State of Uttarakhand and others). Meanwhile, petitioners shall be permitted to participate in the selection process provisionally subject to final decision on their final allocation, as per judgment dated 26.11.2013 (supra).

Learned counsel for the petitioners submits that let petitions be disposed of in the light of submissions made by learned Standing Counsel for State of Uttarakhand.

Ordered accordingly.

CLMA Nos. 1479 and 1480 of 2014 stand disposed of accordingly.

(Alok Singh, J.)
28.02.2014

SKS