

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**Writ Petition (S/S) No. 948/2015**

Atar Singh

.....Petitioner

**Versus**

State of Uttarakhand & Another

.....Respondents

Mr. Rajendra Dobhal, Sr. Counsel, assisted by Mr. Devang Dobhal, Advocate for the petitioner.

Mr. Vikas Pandey, Brief Holder, for the State/respondent no. 1.

Mr. N.S. Pundir, Advocate, for the respondent no. 2.

May 29, 2015

**Hon'ble Servesesh Kumar Gupta, J.**

Having heard learned Counsel for the parties, it appears that the petitioner responded to an advertisement (Annexure 4) and presented his candidature as a Scheduled Tribe candidate for the post of Village Development Officer. He attempted the competition held by the respondent no. 2, the result whereof was declared on 17.1.2015. Consequent upon the said result, the final selection list was published by the respondent no. 2 on 4.4.2015, wherein the petitioner was not declared successful even though he secured 70.75 per cent marks, which is .75 per cent higher than one selected candidate Mr. Rajat Rawat, who also belongs to the Scheduled Tribe category.

Learned Senior Counsel for the petitioner argued that the petitioner and Mr. Rajat Rawat, both belong to Scheduled Tribe category. Therefore, the latter could not have been finally selected on account of his securing lesser marks than the petitioner.

Learned Counsel for the respondent no. 2 invited attention of this Court towards the advertisement, wherein one of the essential qualifications for appearing in the said competition is that a candidate must possess minimum 50

per cent marks in the intermediate examination or any other examination equivalent thereto.

Admittedly, the petitioner has not secured 50 per cent marks in his intermediate examination. The same is also apparent from his marksheet, wherein he has been shown to have secured 232 marks out of the total of 500, and thus, the same is apparently less than 50 per cent. Therefore, it is quite evident on the face of record that the petitioner was not declared successful for the reason that he did not attain 50 per cent marks in his intermediate examination, which was one of essential qualifications in the advertisement.

It has been submitted by learned Senior Counsel for the petitioner that such a clause of eligibility was arbitrary and would not have been made in the advertisement. This Court is not inclined to accept such an argument for the reason that the petitioner was very well aware that he does not fulfil the eligibility conditions of the advertisement, as he was not having 50 per cent marks in the intermediate level. Ignoring this essential requirement, he participated in the competition and, now, he has filed this writ petition just on the ground that one of the selection candidates of his category has secured .75 per cent less marks than him. It is not disputed that the said selected candidate possesses all the essential qualifications. In the circumstances, the petitioner cannot allege any arbitrariness at such a later stage, when the entire stage of competition is over and the final selection list has been declared.

I find no substance in this petition.

It is hereby dismissed at the very threshold.

**(Serves Kumar Gupta, J.)**