

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 396 (S/B) of 2014

Mohd. Imran Khan ...Petitioner

Vs.

State of Uttarakhand and others ...Respondents

Present : Mr. Aditya Kumar Arya, Advocate for the petitioner
Mr. J.C. Pandey, Brief Holder for the State of Uttarakhand / respondent nos. 1 & 2.
Mr. Sachin, Advocate holding brief of Mr. B.D. Kandpal, Advocate for the respondent No. 3

Dated: 27th April, 2018

Coram: Hon'ble K.M. Joseph, C.J.
Hon'ble Sharad Kumar Sharma, J.

K.M. JOSEPH, C.J. (Oral)

Petitioner has approached this Court seeking the following reliefs:

“I. To issue a writ or direction in the nature of certiorari quashing the Government Orders commencing from annexure 1 to 6 to the writ petition, issued by the respondent no. 1.

II. To issue a writ or direction in the nature of certiorari quashing the advertisement dated 03.03.2012 issued by the respondent no. 3, so far as it is providing the reservation to the Rajya Andolankari and their dependants as well as to freedom fighters and their dependants as well as to the ex-servicemen.

III. To issue a writ, order or direction in the nature of certiorari quashing the notice/advertisement dated 10.07.2014 annexure 8 to the writ petition.

IV. To issue a writ, order or direction in the nature of mandamus directing the respondents to declare the result of four remaining seats in pursuance to the advertisement dated 02.03.2013 (annexure 7) for the post of Forest Range Officer, without providing the benefit of reservation to Rajya Andolankaris or to the freedom fighters and their dependants or to Ex-servicemen”

2. The petitioner in the writ petition has appeared in the selection process for the post of Forest Range Officer. The grievance of the petitioner as mentioned above was against the challenge given to Clause (e) of the advertisement whereby 10% posts were reserved for the persons who had participated in the *Rajya Andolan*. The petitioner has questioned the horizontal reservation as has been given to the *Rajya Andolankaris*.

3. Apparently, the complaint is taken against the reservation being given to *Rajya Andolankaris*. The post in question is the Forest Ranger Officer. At page 44 (Annexure No. 8), it is made clear that the reservation as far as four posts of Forest Range Officer for *Rajya Andolankaris* will be subject to the decision of the High Court in Writ Petition (PIL) No. 67 of 2011.

4. We heard the learned counsel for the petitioner and learned Brief Holder for the State. We also heard the learned counsel on behalf of the Public Service Commission.

5. There is no dispute that the Full Bench by a majority of 2:1 has taken the view that reservation for *Rajya Andolankari* is bad in law. In such circumstances, we dispose of the writ petition by directing that the matter will be proceeded with on the basis of the majority judgment of the Full Bench disposing the writ petition (PIL) No. 67 of 2011. The decision will be taken as early as possible.

(Sharad Kumar Sharma, J.)
27.04.2018

(K.M. Joseph, C.J.)
27.04.2018