



2024:UHC:7241

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>WPSS No.3412 of 2017 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. Rohit Kumar Gaur, Advocate, holding brief of Mr. B.M. Pingal, Advocate for the petitioner.</p> <p>Mr. Devesh Ghildiyal, Brief Holder for the State of Uttarakhand.</p> <p>Mr. Shobhit Saharia, Advocate for Tehri Hydro Development Corporation.</p> <p>2. By means of this writ petition, petitioner has sought the following reliefs:</p> <p>“(i) Issue writ rule or direction in the nature of mandamus directing to the respondent THDC to consider the case of the petitioner for appointment for the post of Executive Trainee Law in view of the government order and rehabilitation policy (Annexure No.1 and 2) treating him eligible along with all consequential benefits, after calling the entire record</p> <p>(ii) Issue writ rule or direction appropriate in nature by awarding suitable compensation in tune of Rs. Ten Lacs to the petitioner for the malicious and arbitrary act of the respondent THDC in respect of creating undue confusion about the eligibility of the petitioner or such amount which this Hon'ble Court may quantify for malicious and arbitrary act of the respondent THDC and direct to recover the same from the erring officer.”</p> <p>3. According to petitioner, he applied for the post of Executive Trainee, Law, pursuant to an advertisement issued by Tehri Hydro Development Corporation, in the year 2015. Since petitioner was not called for interview, therefore, he has approached this Court with the contention that he belongs to area, which was submerged on account of T.H.D.C. Project, therefore, he had a preferential</p>



		<p>right of appointment as Executive Trainee Law, therefore, a mandamus be issued to the employer to appoint him.</p> <p>4. A counter affidavit has been filed on behalf of T.H.D.C. Paragraph no.9 of the said counter affidavit is extracted below:</p> <p>“9. That the contents of the paragraph no. 11 of the writ petition are false and hence denied in light of the submissions and clarifications made in the preceding paragraphs of the instant affidavit. It is further submitted that shortlisting of the candidates for the said recruitment was done through CLAT All India rank against limited vacancy available in the Corporation. No State reservation was available and therefore no State Rank could have been considered. The petitioner has secured All India Rank 4678 in the Common Law Admission Test and could not be even considered for short-listing for interview on the basis of his merit for 03 vacancies. It is further submitted that the fact of the matter is that petitioner does not fulfill prescribed conditions of eligibility and was not even eligible to apply for the post in the 1st instance as he belongs to General Category and the upper age limit prescribed for candidates of General Category was 30 years as on 31.01.2015. Taking the age relaxation of 05 years given to candidates of Doob Kshetra even, petitioner is over aged (as his Date of Birth is 16 June 1973). Further, the minimum required percentage in the qualifying degree for the General Category candidate was 65% whereas the petitioner was having less than 60%. Therefore, he does not fulfill the eligibility criteria.”</p> <p>5. Learned counsel appearing for T.H.D.C. submits that applicants, who applied pursuant to aforesaid advertisement, were shortlisted based on their performance in CLAT L.L.M. Examination; since petitioner's score in CLAT L.L.M. Examination was less than the last candidate, who was shortlisted in General Category, therefore, he was not called for interview. He further submits that, as per the conditions mentioned in the advertisement, a General Category candidate, who has scored less than 65% marks in L.L.B. Examination, was not to</p>
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7. Accordingly, the writ petition fails and is dismissed.

30.09.2024

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JAISWAL

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