



HIGH COURT OF UTTARAKHAND AT NAINITAL

Dated-16 June, 2026

Writ Petition Service Single No. 1571 of 2026

Madhu Bala

--Petitioner

Versus

State of Uttarakhand and others

--Respondents

With

Writ Petition Service Single No. 1573 of 2026

Shubham Kumar Joshi

--Petitioner

Versus

State of Uttarakhand and others

--Respondents

And

Writ Petition Service Single No. 1574 of 2026

Surendra Singh Chauhan

--Petitioner

Versus

State of Uttarakhand and others

--Respondents

Presence:-

Mr. Vivek Kathait, learned Counsel for the petitioner.

Mr. K.N. Joshi, learned Dy.A.G. for the State.

Mr. Shailendra Nauriyal, learned Counsel for UKSSSC

Hon'ble Pankaj Purohit, J. (Oral)

Since the facts of these petitions are the same and the issue involved is also similar, hence these petitions are taken up together and decided by this common judgment.

Heard learned counsel for the parties.

2. Facts of the case are that Uttarakhand Subordinate Service Selection Commission (hereby to be referred to as 'the Commission') issued an advertisement dated 26.11.2015 inviting applications for recruitment to 196 posts of Gram Panchayat Vikas Adhikari. The



petitioners participated in the selection process, appeared in the written examination conducted on 06.03.2016 and were declared successful. Subsequently, complaints regarding manipulation of OMR answer sheets led to the constitution of an inquiry committee by the State Government. On the basis of the interim inquiry report, the Commission cancelled the entire selection process vide Office Memorandum dated 16.06.2017. The said cancellation was challenged before this Court in WPSS No. 2105 of 2017 (*Kamal Bhatt and others vs. State of Uttarakhand and others*), wherein this Court directed for holding a restricted re-examination for candidates who had appeared in the original examination. Accordingly, a re-examination was conducted on 25.02.2018 and a fresh merit list was prepared. According to petitioners, final inquiry report dated 04.10.2018, based on forensic examination of OMR sheets, identified candidates whose answer sheets were found tainted, whereas the petitioners were not found involved in any irregularity. Claiming that they stood exonerated by the inquiry, the petitioners asserted a right to be considered for appointment.

3. The Commission thereafter issued a fresh advertisement dated 06.11.2020 for recruitment to the post of Gram Panchayat Vikas Adhikari. Petitioners, seeking consideration of their candidature against the available vacancies, approached this Court by filing WPSS No.1753 of 2020. The said writ petition was disposed of on 09.03.2026 with a direction to the competent authority to consider the petitioners' claim in accordance with law. Pursuant thereto, petitioners submitted representations, which came to be rejected by the Commission vide Office Memorandum dated 13.04.2026.



Aggrieved thereby, the petitioners have preferred the present writ petitions.

4. Learned counsel for the petitioners submitted that the impugned Office Memorandum dated 13.04.2026 is arbitrary, suffers from complete non-application of mind and the same has been passed in disregard of the directions issued by this Court in WPSS No. 1753 of 2020. It was argued that while disposing of earlier writ petition, this Court had directed the Commission to consider the petitioners' claim in the light of the issues raised by them. However, instead of examining whether the petitioners could be considered against the available vacancies, despite their exoneration in the inquiry proceedings, the Commission rejected their claim solely on the ground that they were not selected pursuant to the re-examination conducted in the year 2018. According to petitioners, the Authority completely failed to address the real controversy and consequently, the impugned order cannot be sustained in law.

5. It was further submitted that the final inquiry report dated 04.10.2018 clearly established that the irregularities relating to recruitment process were neither pervasive nor incapable of identification. Learned counsel contended that the OMR sheets were subjected to forensic examination and the candidates found to have benefited from manipulation were specifically identified. The petitioners' names did not figure amongst such candidates and, therefore, they stood completely exonerated. Once the tainted candidates had been segregated from the untainted candidates, there remained no justification for denying consideration to candidates whose selection was found to be free from any malpractice.



6. Learned counsel for the petitioner argued that the respondents have proceeded on an erroneous assumption that the petitioners are seeking displacement of candidates who were appointed pursuant to the subsequent recruitment process. It was submitted that the petitioners do not seek cancellation of any appointment already made nor do they seek removal of any serving employee. Their limited claim is for consideration against existing and available vacancies in the cadre of Gram Panchayat Vikas Adhikari. It was contended that accommodating the petitioners against such vacancies would not prejudice any third party rights and would merely rectify the injustice allegedly caused to candidates who were found innocent in the inquiry proceedings.

7. It was further contended that the respondents cannot derive advantage from their own administrative decisions and delays. According to the petitioners, they were initially selected in the recruitment process of 2015 and have remained out of employment despite there being no allegation against them. Learned counsel submitted that subsequent re-examination and passage of time cannot extinguish the legitimate claim of candidates whose candidature was found to be untainted. The Commission, therefore, acted unfairly in rejecting the petitioners' representations without giving due weight to the findings recorded in the final inquiry report. Placing reliance upon the judgments of the Hon'ble Supreme Court in *Inderpreet Singh Kahlon v. State of Punjab* (2006) 11 SCC 356, *Union of India v. Rajesh P.U. Puthuvalnikathu* (2003) 7 SCC and other decisions, learned counsel submitted that where tainted candidates can be identified and segregated, wholesale denial of relief to innocent



candidates is impermissible. It was argued that the doctrine of proportionality requires the State to adopt a measure commensurate with the nature of the irregularity and that innocent candidates cannot be made to suffer for the misconduct of others.

8. It was further submitted by the learned counsel for the petitioners that the action of the respondents is violative of Articles 14 and 16 of the Constitution of India. The petitioners contend that despite having been exonerated by the final inquiry report, their claim has been rejected on irrelevant considerations while ignoring the material facts directed to be examined by this Court. On these grounds, learned counsel prayed that the impugned Office Memorandum dated 13.04.2026 be quashed and the respondents be directed to consider the petitioners for appointment to the post of Gram Panchayat Vikas Adhikari against the available vacancies in accordance with law.

9. Learned counsel for the respondents submitted that the petitioners have no vested right to appointment merely because they had participated in the recruitment process of 2015. It was contended that the original selection stood cancelled and, pursuant to the directions of this Court, a re-examination was conducted in 2018, whereafter the recruitment process attained finality. The petitioners were not selected in the said process and, therefore, cannot claim appointment against vacancies arising under subsequent recruitment advertisements. It was further submitted that mere exoneration from allegations of malpractice does not confer any right to appointment and that the impugned order has been passed after due consideration of the petitioners' representations.



10. I have considered the submissions advanced by learned counsel for the parties and perused the record. The principal contention of the petitioners is that the final inquiry report dated 04.10.2018 exonerated them from all allegations of malpractice and, therefore, they are entitled to be considered for appointment to the post of Gram Panchayat Vikas Adhikari against the available vacancies. This Court is unable to accept the said contention. It is undisputed that the recruitment process initiated pursuant to the advertisement dated 26.11.2015 was cancelled on account of allegations of irregularities. The cancellation was challenged before this Court and, pursuant to the directions issued in “*Kamal Bhatt and others*”, a restricted re-examination was conducted on 25.02.2018. Thereafter, a fresh merit list was prepared and the recruitment process attained finality. The petitioners admittedly did not secure selection in the said re-examination. Once the original selection stood cancelled and a fresh selection process was undertaken in terms of the directions of this Court, rights of all candidates became subject to the outcome thereof. Mere exoneration from allegations of malpractice does not confer any vested right to appointment. The final inquiry report may establish that the petitioners were not involved in any irregularity, but it neither revives the cancelled recruitment process nor creates a right in their favour to seek appointment against vacancies arising under subsequent recruitment advertisements. The vacancies advertised subsequently constitute separate recruitment processes governed by independent selection procedures.

11. This Court further finds that the order passed in WPSS No. 1753 of 2020 merely required consideration



of the petitioners' representations. Pursuant thereto, the respondents considered the matter and rejected the claim on the ground that the recruitment process had attained finality after the re-examination and that the petitioners were not included in the final select list. The said conclusion cannot be said to be arbitrary or illegal. The judgments relied upon by the petitioners regarding segregation of tainted and untainted candidates do not advance their case. The issue in the present matter is not whether the petitioners were involved in malpractice, but whether such exoneration entitles them to appointment despite their non-selection in the recruitment process which ultimately attained finality. In the opinion of this Court, it does not. Therefore, no ground for interference with the Office Memorandum dated 13.04.2026, is made out.

12. For the reasons aforesaid, all the writ petitions fail and are accordingly dismissed.

13 No order as to costs.

(Pankaj Purohit, J.)
16.06.2026

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