

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/S) No. 227 of 2021

Akhalak Hussain and others Petitioners

Vs.

State of Uttarakhand and others Respondents

Present: Mr. Vinay Kumar , Advocate for the petitioners.
Mr. Anil Bisht, Additional CSC for the State/respondent nos. 1 to 3.

Hon'ble Ravindra Maithani, J. (Oral)

Petitioners basically seek permission for participation in the Departmental promotion to the post of Ranker Sub Inspector and Head Constable (Civil Police/Intelligence).

2. Heard learned counsel for the petitioners and the State counsel and perused the record.

3. Learned counsel for the petitioners would submit that the petitioners were earlier posted in PAC and in the year 2013 (on or before 25.09.2013 on various dates), they were transferred in District Armed Police for the purpose of police training center. Earlier, when they were transferred to PAC, they challenged it. The writ petition once allowed was remanded for rehearing, but it was dismissed for non appearance. But, it is argued that similarly situated Constable, Shyam Singh's writ petition was allowed to decide his representation, which was allowed on 21.08.2019 by the Additional Director General of Police Administration, Dehradun. It is argued that the petitioners are similarly placed persons. They seek permission to participate provisionally in the examination. It is also argued that similarly situated Police personnel filed a Writ Petition (S/S) No. 213 of 2021, in which, they have been provisionally permitted to participate in the examination.

4. The documents in support of his arguments have been referred to by the learned counsel for the petitioners.
5. List this matter after three weeks.
6. Meanwhile, counter affidavit may be filed.
7. Heard on Interim Relief Application No. 2 of 2021
8. Having considered the facts and the case of similarly placed other petitioners, who have been permitted provisionally to participate as well as whose representation has been allowed, this Court, as an interim measure, directs that the petitioners shall provisionally participate in the Departmental promotional examination to be held on 21.02.2021. The respondents shall ensure it and get all the formalities that are required for the purpose to be completed before the examination. The result of the petitioners shall not be declared until further orders of this Court.
9. Interim relief application stands disposed of accordingly.
10. Let a certified copy of this order be supplied to the learned counsel for the parties, today itself, on payment of usual charges.

(Ravindra Maithani, J.)
Vacation Judge
19.02.2021