



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Special Appeal No.122 of 2026

7th July, 2026

Uttarakhand Medical Service Selection Board

-----Appellant

Versus

Nisha Ramola Alias Nisha Khetrapal and Others

----Respondents

With

Special Appeal No.123 of 2026

Uttarakhand Medical Service Selection Board and
Another

-----Appellants

Versus

Neha Manola and Others

----Respondents

With

Special Appeal No.125 of 2026

Uttarakhand Medical Service Selection Board

-----Appellant

Versus

Irene Roberts and Others

----Respondents

With

Special Appeal No.204 of 2026

Uttarakhand Medical Service Selection Board

-----Appellant

Versus

Dhilpe Sheetal Mahesh and Others

----Respondents



Presence:-

Mr. Gaurav Nagpal and Mr. Rakshit Srivastava, learned counsel holding brief of Mr. Ramji Shrivastava, learned counsel for the appellants.

Mr. Ravindra Singh Bisht, Mr. Amar Murti Shukla, Mr. Vinay Kumar, and Mr. Ayush Gaur, learned counsel for respondent no.1.

Mr. M.S. Bisht, learned Brief Holder for the State of Uttarakhand.

Mr. Atul Bahuguna and Mr. Dushyant Mainali, learned counsel for respondent no.4.

JUDGMENT : (per Mr. Subhash Upadhyay J.)

1. Since common question of facts and law are involved in this bunch of Special Appeals, as such, the same are being heard and decided together by this common judgment.

2. Special Appeal Nos.122 of 2026, 123 of 2026 and 125 of 2026 are directed against the order dated 06.11.2025 whereby the bunch of three writ petitions WPSS No.2331 of 2024, WPSS No.2249 of 2024 and WPSS No.2283 of 2024 were decided. Special Appeal No.204 of 2026 is directed against the order dated 24.03.2026 whereby WPSS No.2251 of 2024 was decided in terms of the judgment and order dated 06.11.2025 passed in WPSS No.2331 of 2024 and connected matters on the consensus given by the appellant that the controversy was covered by the order dated 06.11.2025.

3. The writ petitions were filed by the candidates who had applied to the post of Nursing Officers in



pursuance to an advertisement issued on 11.03.2024 by the appellant / Uttarakhand Medical Service Selection Board. The writ petitions were filed assailing the decision of the appellant whereby the candidature of the writ petitioners was rejected on the ground that they were not having valid registration with the Uttarakhand Nurses and Midwives Council till the last date of submission of application form i.e. till 01.04.2024.

4. The writ petitioners contended that they were registered with the Nurses and Midwives Council of other States other than the Uttarakhand Nurses and Midwives Council and much prior to the last date of submission of application form they had requested for transfer of their registration to the Uttarakhand Nurses and Midwives Council.

5. Admittedly, the registration certificates of the petitioners were transferred to the Uttarakhand Nursing and Midwives Council later on but after the last date of submission of application form i.e. 01.04.2024. The question, which arose before the writ court, was that as to whether the candidature of the writ petitioners could be rejected on the ground that they were not registered with the Uttarakhand Nurses and Midwives Council.



6. The learned Single Judge considered the said aspect and in view of the judgment rendered by the Hon'ble Apex Court in the case of ***Laxmi Saroj and Others Vs. State of Uttar Pradesh and Others (2022) 17 SCC 477*** held that the issue involved in the writ petition was squarely covered by the judgment of the Hon'ble Apex Court and the decision of the appellants in rejecting the candidature of the writ petitioners was found to be unsustainable.

7. The learned Single Judge considered the facts of WPSS No.2331 of 2024 and held as hereunder:

“(3) Uttarakhand Medical Service Selection Board issued an advertisement on 11.3.2024, inviting applications against 1455 vacancies on the post of Nursing Officer in different government medical colleges/State Cancer Institute. Clause 6 of the said advertisement required that every candidate must be registered with Uttarakhand Nurses and Midwives Council on the last date of submission of application. Petitioner responded to the advertisement, however her candidature was rejected only on the ground that she was not registered with Uttarakhand Nurses and Midwives Council on the last of submission of application i.e. 1.4.2024.

(4) Petitioner was registered with Haryana Nurses and Midwives Council on 2.8.2013 and she applied for transfer of her registration to Uttarakhand Nurses and Midwives Council on 6.2.2024; Uttarakhand Nurses and Midwives Council sent a letter to Indian Nursing Council on 12.3.2024 and also sought verification report from Haryana Nurses and Midwives Council on 7.6.2024, however the fact remains that petitioner's registration was not transferred from Haryana Nurses and Midwives Council to Uttarakhand Nurses and Midwives Council till the last date of submission of application.

(5) It is not in dispute that registration of the petitioner was ultimately transferred from Haryana Nurses and Midwives Council and her name came to



be registered with Uttarakhand Nurses and Midwives Council on 4.7.2024. Now, the sole question which falls for consideration before this Court is whether petitioner's application for appointment as Nursing Officer can be rejected on the ground that her name was not registered with Uttarakhand Nurses and Midwives Council on the last date of submission of application?

(6) Learned Counsel for the petitioner relied upon a judgment rendered by Hon'ble Supreme Court in the case of Laxmi Saroj v. State of U.P., reported as (2022) 17 SCC 477. In the said judgment, while dealing with similar facts, Hon'ble Supreme Court held as under:

"11. Thus, because of the late issuance of the registration by the U.P. Council, the appellants could not produce the U.P. Council registration either on the last date of the application and/or at the time of verification of documents and therefore, they were held ineligible.

12. From the aforesaid, it can be seen that as such, there was no fault on the part of the appellants in not producing the U.P. Council registration either at the time of submitting the application forms or even at the time of verification of the documents. As such, all the appellants except one had applied for U.P. Council registration before the date of advertisement i.e. 15-12-2021. Therefore, for no fault(s) of theirs, the appellants could not have been made to suffer.

13. The issue involved is directly covered by the decision of this Court in Narender Singh v. State of Haryana [Narender Singh v. State of Haryana, (2022) 3 SCC 286 : (2022) 1 SCC (L&S) 537] . In the said decision, it is observed and held by this Court that once it was found that there was no lapse/delay on the part of the applicant and/or there was no fault of the appellant/applicant in not producing the NOC at the relevant time, he cannot be punished for the same.

14. When the aforesaid decision was pressed into service before the High Court on behalf of the appellants, the High Court has not followed the same by observing that the directions issued by this Court in Narender Singh [Narender Singh v. State of Haryana, (2022) 3 SCC 286 : (2022) 1 SCC (L&S) 537] , were in exercise of powers under Article 142 of the Constitution of India. The aforesaid is a misreading and/or misinterpreting of the judgment of this Court.



2026:UHC:5559-DB

This Court has specifically laid down the law that if it is found that there is no lapse/delay on the part of the applicant, he cannot be punished for no fault attributable to him. However, as in that case, another candidate/employee was already appointed, this Court had protected his service also while exercising the powers under Article 142 of the Constitution of India. Therefore, exercise of the powers under Article 142 of the Constitution of India was for protecting the service of another employee, Respondent 4 in that case. The High Court has as such, misread the judgment of this Court."

(7) Since issue involved in these writ petitions is no longer res integra, therefore, this Court has no hesitation in holding that rejection of candidature of petitioners, only on the ground that they were not registered with Uttarakhand Nurses and Midwives Council on the last date of submission of application, is unsustainable. Writ petitions are, therefore, allowed. Order dated 18.11.2024, passed by the selecting body rejecting petitioners candidature, is set aside qua the petitioners. Respondents are directed to consider the claim of petitioners for appointment as per applicable selection criteria and also declare the result."

8. Learned counsel for the appellants placed reliance on the judgment of Hon'ble Apex Court in the case of ***Himanchal Pradesh State Electricity Board Ltd. and Another Vs. Dharminder Singh 2022 SCC Online SC 1855*** to contend that the candidate should possess the requisite qualification on the last date of submission of application form and, as the writ petitioners were registered with the Uttarakhand Nurses and Midwives Council subsequent to the last date of submission of application form, as such, their candidature was rightly rejected by the appellants.

9. We have perused the judgment passed in the case of ***Himanchal Pradesh State Electricity Board***



Ltd.(supra), however, the facts of the said case are different and not applicable in the controversy involved herein.

10. In the aforesaid case, the candidate therein was not possessing the requisite technical qualification on the last date of submission of application form whereas in the case in hand the writ petitioners were possessing the requisite qualification as they were already registered with the Nurses and Midwives Council and their registration was subsequently transferred to the Uttarakhand Nurses and Midwives Council. It is also admitted fact that the process of transfer was initiated much prior to the last date of submission of application form and the name of the writ petitioners were ultimately transferred and were registered with the Uttarakhand Nurses and Midwives Council.

11. Thus, the facts of the present case are identical to the case of **Laxmi Saroj (supra)** wherein the Hon'ble Apex Court while considering the judgment in the case of **Narendra Singh Vs. State of Haryana (2022) 3 SCC 286** held that if it is found that there is no lapse/ delay, on the part of the applicant, he cannot be punished for no fault attributable to him.



12. The learned Single Judge had considered the entire facts in detail and we are in agreement with the view taken by the learned Single Judge that the case of the writ petitioners was squarely covered by the decision of the Hon'ble Apex Court in the case of **Laxmi Saroj** (*supra*).

13. Thus, we find no infirmity in the order passed by the learned Single Judge. The special appeals fail and the same are, accordingly, dismissed.

14. Pending applications, if any, also stand disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 07.07.2026

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