

**HIGH COURT OF UTTARAKHAND AT NAINITAL****Writ Petition Service Bench No. 220 of 2024**

Rajendra Singh

--Petitioner

Versus

State Of Uttarakhand and Another

--Respondents

Presence:*Mr. Sandeep Tiwari, learned counsel for petitioner.**Mr. Ghansyam Joshi, learned Additional C.S.C. with Mr. Devendra Pant, learned Standing Counsel for the State of Uttarakhand/respondent No. 1.**Mr. Shobhit Joshi, learned counsel holding brief of Mr. Ashish Joshi, learned counsel for respondent No.2, through V.C.***Coram: Hon'ble Manoj Kumar Tiwari, J.**
Hon'ble Pankaj Purohit, J.**Per: Hon'ble Manoj Kumar Tiwari, J.**

Petitioner participated in a selection for appointment to the post of Veterinary Officer (Grade-II), which was held by Uttarakhand Public Service Commission pursuant to advertisement issued on 12.10.2023.

2. Since, petitioner's name did not figure in the list of successful candidates, therefore, he has approached this Court seeking the following reliefs:-

- (A). Issue writ, order or direction in the nature of certiorari calling for record and quash the order/cut-off marks/Records verification list dated 10th April 2024 passed by the respondent no.1, where no cut-off marks has been fixed/determined for the post of veterinary officers (Grade-2) under the physically handicapped (Low Vision/ Partially Blind) Category.
- (B). Issue writ, order or direction in the nature of mandamus for directing the respondents to decide the cut-off marks for the post of veterinary officers (Grade-2) under the category of physically handicapped (Low Vision/Partially Blind).
- (C). Issue a writ, order or direction in the nature of mandamus directing the respondents to consider the candidature of the petitioner for the post of veterinary officers (Grade-2) under the category of physically handicapped (Low Vision/ Partially Blind).

3. Learned counsel for petitioner submits that petitioner is entitled to reservation available to persons with disabilities, as he suffers from benchmark disability, namely Low Vision/Partially Blind. He contends that petitioner who scored 22.125% marks in the selection was entitled for appointment, as there was no other candidate in that



category who scored more marks than the petitioner. It is further contended that there were two vacancies reserved for persons with disability and both the vacancies were carried forward with the remark that no candidate with benchmark disability was found suitable.

4. Learned counsel for petitioner submits that petitioner was not selected because Rules of the Game were changed midway. He refers to notification dated 11.03.2024, whereby, "Uttarakhand Public Service Commission Preparation of Result Procedure Regulations 2022", were amended. He contends that earlier there was no cut-off mark fixed for persons with disability but by the said amendment, cut-off for persons with disability was fixed as 30%.

5. We are not impressed with the said submission. The original Rules i.e. Uttarakhand Public Service Commission Preparation of Result Procedure Regulations, 2022, were enforced before initiation of selection process. The said regulations did not provide any separate cut-off marks for persons with disability, therefore, persons with disability had to score minimum cut-off marks as were prescribed for able bodied persons belonging to the broad category to which he/she belonged. For example, for a disabled person belonging to General category, cut-off mark was 45%, for those belonging to Other Backward Classes (OBC) and Economic Weaker Sections (EWS), cut-off marks was 40% and for Physically Disabled Person belonging to Scheduled Caste (SC) and Scheduled Tribe (ST) Category, cut-off marks was 35%.

6. By 4th amendment in the aforesaid Regulations, made vide notification dated 11.03.2024, the requirement of securing the same cut-off marks as abled-bodied persons was done away with and relaxation in cut off marks was given to persons with disability. Another change which was brought about by the 4th amendment in the Regulations was that persons with disability belonging to any of the categories, had



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to score same cut-off marks i.e.30%, while earlier the cut-off marks was different for different categories. Thus, the contention raised by learned counsel for petitioner that Rules of the Game were changed midway to his detriment is not correct. In the Regulations as originally framed, same cut off marks was applicable across the board to all, including persons with disability. By the amendment notification dated 11.03.2024, the cut-off mark was lowered for persons with disability. Since, petitioner's score was only 22.125%, which is less than 45% as prescribed by the Original Regulations framed in 2022 and it is even less than 30% which was provided by notification dated 11.03.2024, therefore, we do not find any merit in the writ petition. Law is settled that amendment, if any, in the Rules/Regulations after commencement of selection process can have no application to ongoing selection.

7. Leaned counsel for petitioner then submits that the fourth amendment in the Regulations was made after written examination.

8. As observed earlier, by the said notification, a benefit was given to the persons with disability, as cut-off marks fixed for them earlier was lowered. Since, the case of petitioner would be covered by the cut-off marks fixed by Original Regulations framed in 2022 and as per the requirement of those Regulations, petitioner should have scored minimum 45%, thus, contention raised by learned counsel for petitioner is without any substance. Therefore, the selection process cannot be faulted.

9. In view of above, the writ petition fails and is dismissed.

10. Pending application stands disposed of.

(Pankaj Purohit, J.)

(Manoj Kumar Tiwari, J.)

12.06.2026

PN/-