

CLAIM PETITION NO. 15/SB/2021

Deepak Chaudhary vs. State of Uttarakhand & others

Dated: 18.02.2021

Present: Sri V.P.Sharma, Advocate for petitioner  
(Through audio conferencing)  
Sri V.P.Devrani, A.P.O., for Respondent No. 1

Heard.

Admit.

Learned A.P.O. accepts notice on behalf of respondent No.1, who seeks and is granted 6 weeks' time to file C.A./W.S.

Issue notices to Respondents No. 2 to 3. Steps may be taken within a week, through Email as well as through registered post, acknowledgment due. Notices shall be returnable on or before 08.04.2021.

List on 08.04.2021 for filing C.A/W.S./further orders.

An application for interim relief application has also been filed by the petitioner. Sri V.P.Sharma, learned Counsel for the petitioner submitted that the examination for promotion of Sub-Inspector Rankers is scheduled to be held on 21.02.2021, but the petitioner is not being permitted to sit in the examination, inasmuch as 'censure entry' has been awarded in his Character Roll for a misconduct. The petitioner has, therefore, prayed for permitting him to appear in the Sub-Inspector Rankers examination, which is scheduled to be held on 21.02.2021, which shall be subject to the decision of the present claim petition.

In Claim Petition No. 29/NB/DB/2019, Mahendra Singh Jeena vs. State of Uttarakhand & others, similar relief was sought by way of interim relief application before the Nainital Bench of this Tribunal. The Division Bench of this Tribunal *vide* order dated 12.02.2021, in that petition, *inter-alia*, passed the following order:

*“Respondent No. 2 is also requested to consider the prayer of the petitioner for appearing in the departmental exam to be held on 21.02.2021 provisionally, as per rules, at an earliest possible and in any case, before the commencement of the said examination.”*

Learned Counsel for the petitioner prayed that similar order be passed on I.R. of present petitioner as well.

Considering the facts of the case, the respondent No. 2 is requested to consider the prayer of the petitioner for appearing in the departmental examination, *provisionally*, as per rules, at an earliest possible and in any case, before the commencement of the said examination, on petitioner's moving an application to this effect before respondent No. 2 by 19.02.2021 (5:00 p.m.).

Needless to say that the decision so take shall be communicated to the petitioner on his mobile number soon thereafter.

It is made clear that this Tribunal has not expressed any opinion on the merits of the case.

Let certified copy of this order be supplied free of cost to the petitioner as well as learned A.P.O. today itself.

[Interim relief application as well as urgency application thus stand disposed of.]

JUSTICE U.C.DHYANI  
CHAIRMAN

KNP