

**SUPREME COURT OF INDIA**

State of Uttarakhand through Secretary

Vs.

Kumari Amita Singh

C.A.No.2772 of 2013

(Aftab Alam and H.L.Gokhale JJ.)

02.04.2013

**JUDGMENT**

**AFTAB ALAM, J.**

1. Leave granted.

2. The Public Service Commission Uttaranchal issued an advertisement dated February 26, 2006 for appointment to the posts of Veterinary Doctor in the department of Animal Husbandry. One of the conditions essential for making an application was that the applicant should be duly registered with Uttaranchal Veterinary Council.

3. The aforesaid condition was challenged before the Uttarakhand High Court in Writ Petition(S/B) No.98 of 2006. The High Court passed a very brief order on the case. It held without any deliberation or discussion that the impugned condition offended Article 16 of the Constitution of India and, though, declining to interfere with the 2006 advertisement on the ground that it was issued four years ago, it directed the State Government by order dated December 3, 2010 to ensure that in future anyone registered with the Veterinary Council of any of the States in the country should be eligible for appointment in Uttarakhand. The relevant portion of the High Court order is as under:-

“....This is in breach of constitutional mandate contained in Article 16 of the Constitution of India. In the event registration as a Veterinary Surgeon is considered to be the minimum eligible qualification, henceforth the State Government would ensure that persons registered as Veterinary Surgeons

are entitled to respond to advertisements for recruitment of Veterinary Surgeons and shall not insist for the candidates to be registered as Veterinary Surgeons of the State of Uttarakhand.”

4. We are of the view that the issue before the High Court was quite serious and merited consideration in greater detail. We are unable to sustain the very brief order passed by the High Court on this serious issue. We, accordingly, set aside the order and remit the matter to the High Court to hear the parties afresh and to pass appropriate orders after taking into consideration not only the provisions of the Constitution but also the relevant statutory provisions.

5. Needless to say that since the order of the High Court is set aside, it will be open to the State Public Service Commission to adhere to the previous terms as long as the High Court does not take a contrary view in the matter.

6. In the result, the appeal is allowed to the extent indicated above. No order as to costs.