

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.13961 of 2024
Date of Decision: 30.12.2025

Manju Bala

.....Petitioner

Versus

State of Himachal Pradesh and Ors.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?

For the Petitioner: Ms. Nisha Sankhyan, Advocate.

For the respondents: Mr. Anup Rattan, Advocate General, Mr. Rajan Kahol, Additional Advocate General and Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocates General.

Sandeep Sharma, J. *(Oral)*

Precisely, facts of the case as emerge from the pleadings adduced on record by the respective parties are that on 1.1.2015, SMC of Government Senior Secondary School Jaunta, Tehsil Nurpur, District Kangra, Himachal Pradesh, appointed the petitioner as PGT (English), in which capacity, she worked at afore school till 23.11.2023, whereafter she remained absent w.e.f. 21.11.2023 to 7.8.2024. Since joining of the petitioner was not accepted by the Principal of the school concerned, she has approached this Court in the instant proceedings, praying therein for following main relief:

“(i) That the respondents may kindly be directed to give four months’ salary w.e.f. August 2024 to November 2024 by further

directing the respondents more particularly respondent No.3 to give re-joining.”

2. In nutshell, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Ms. Nisha Sankhyan, learned counsel for the petitioner is that though repeatedly, petitioner after having recovered from her illness attempted to submit her joining, but on every occasion, she was prevented by the Principal of the School concerned. It has been also submitted at the behest of the petitioner that she remained absent on medical ground and as such, ought to have been permitted by the Principal to rejoin especially when she submitted fitness certificate.

3. Pursuant to notices issued in the instant proceedings, respondent-State has filed reply, wherein though factum with regard to petitioner’s joining as PGT (English) in the year 2015 at the school concerned has been admitted, but it specifically came to be stated that petitioner remained absent w.e.f. 23.11.2023 to 7.8.2024 without intimating the Principal of the school concerned. Though Principal sent official letter dated 4.1.2024 to the Registered address of the petitioner through School Peon, but he was told by the parents of the petitioner that she was not there (Annexure R-1). Principal of the school concerned again sent registered letter dated 4.1.2024, but same was received back with remarks on postal envelop as “whereabouts/address of the individual not found” (Annexure R-2).

4. Approximately after nine months, petitioner came to the school to join on 8.8.2024, but Principal asked the petitioner to explain the reason for willful absence without any intimation, however she was unable to render justifiable explanation. Medical certificates issued by the different medical officers though were submitted, but same were not accepted by the Principal for the reason that same were not counter signed by any competent medical authority.

5. Having carefully perused pleadings adduced on record by the respective parties, this court finds that petitioner remained willfully absent w.e.f. 23.11.2023 to 7.8.2024 i.e. 285 days, without there being any leave sanctioned in her favour. Otherwise also, it is not in dispute that petitioner being under SMC is not entitled to any leave, rather in terms of policy governing SMC appointees, she, at best could, avail one day leave after putting in one month's continuous service and maternity leave as is admissible under Section 4-6 of the Maternity Benefit Act 1961. It is none of the case of the petitioner that she was on maternity leave, rather she of her own submitted documents suggestive of the fact that she was under treatment, however such documents were not found genuine for the reason that same were not counter signed by any competent authority.

6. Reply filed by the respondents clearly reveals that inquiry regarding willful absence was conducted by the Principal of the school concerned, wherein petitioner was directed to produce the medical

fitness certificate issued by the Chief Medical Officer. Dharamshala so that her joining could be taken, but since she failed to produce the same, no illegality can be said to have been committed by the Principal in as much as he refused to accept joining of the petitioner.

7. Since no plausible explanation ever came to be rendered on record by the petitioner qua her willful absence w.e.f. 23.11.2023 to 7.8.2024, this Court sees no reason to consider the prayer made by the petitioner, rather petition being wholly misconceived, deserves to be rejected.

8. Consequently, in view of the above, present petition is dismissed being devoid of any merit.

December 30, 2025

(manjit)

**(Sandeep Sharma),
Judge**