

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWPOA No.2544 of 2020

Decided on: 31st August, 2026

Jagdish Chand

...Petitioner

Versus

State of Himachal Pradesh and another

...Respondents

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

Whether approved for reporting?¹

For the petitioner: Mr. Parav Sharma, Advocate.

For the respondents: Mr. R.P. Singh, Deputy Advocate General.

Jiya Lal Bhardwaj, Judge *(Oral)*

The petitioner by way of present petition has prayed for a direction to the respondents to grant him seniority with effect from the date when the persons junior to him in the batch of passing Bachelor of Education (in short "B.Ed.") in the Academic Session 1999, were given appointments as Trained Graduate Teacher (Arts) (in short "TGT (Arts)") with all consequential benefits.

2. Shorn of unnecessary details, the key facts of the

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

case are that the petitioner did his Bachelor of Arts (in short "B.A.") from H.P. University in the year 1993 and thereafter obtained the degree of B.Ed. from the University of Kashmir, Srinagar, in June 1998. The petitioner belongs to Scheduled Caste (SC) category.

3. It has been averred that while making appointment to the post of TGT (Arts) on batch-wise basis, the respondents had ignored the candidature of the petitioner, who did his B.Ed. in the Academic Session 1998, for appointment against the SC category during the year 2008, when the candidates of the Academic Session 1999 were offered appointment on batch-wise basis. It was done on account of the fact that his caste was wrongly recorded as Rajput instead of Koli, which was subsequently corrected with the intervention of this Court by way of CWP No.1669 of 2012, titled, ***Jagdish Chand vs. State of Himachal Pradesh and another***, which came to be disposed of on 09.07.2012, wherein a direction was given to respondent No.2 that as and

when the process for recruitment of TGT (Arts) SC-IRDP category is initiated, the case of the petitioner for such appointment shall be considered in accordance with law, on priority basis and in case, he is found eligible, he shall be offered appointment as such as per Rules.

4. After the disposal of the writ petition, the petitioner was offered appointment as TGT (Arts), vide office order dated 07.09.2012. It has also been averred that the petitioner, being SC category candidate, was entitled to appointment with effect from the date on which the other similarly situated candidates of his academic session or at the most the candidates of the subsequent Academic Session 1999, were given appointments and as such, sought a direction that the respondents may be directed to count the seniority of the petitioner from the date, on which the persons junior to him in the batch of passing B.Ed. were appointed as TGT (Arts), with all consequential benefits.

5. The respondents filed reply to the petition and in

preliminary submissions averred that the petition is not maintainable against them as the petitioner has not come to the Court with clean hands. The petition is barred by limitation as no justification whatsoever has been given by him about the delay and laches in filing the case after a long span. On merits, it has been averred that the representation made by the petitioner was rightly rejected as per the clarification conveyed by the Government, vide letter dated 18.01.2012, wherein it was clarified that reservation benefits will be granted to an employee from the date he/she produces a valid certificate of his/her belonging to the SC/ST category. The caste status of SC/ST incumbents should be verified at the time of initial appointment. The petitioner acquired the certificate of SC category only on 02.09.2011, whereas the batch-wise appointments had already been made by the respondents during the year 2008-09 on the basis of interview, which was conducted in the year 2008. The petitioner is not entitled to file the present writ petition. It has

also been averred that the respondents had ignored the petitioner for appointment against the SC category because his caste was recorded as Rajput instead of Koli. No such certificate had been annexed by the petitioner with the petition, which would show that he belonged to SC category during the interview in the year 2008. The name of the petitioner was not sponsored by the employment exchange under the SC category as he was not in possession of the SC certificate at the relevant time. The vacancies of SC category as per the panel of 2008 have already been filled up on the basis of interview conducted during the year 2008 on batch-wise basis.

6. It has further been averred that the petitioner had earlier filed the above mentioned writ petition, which came to be disposed of on 09.07.2012, wherein a direction was given to respondent No.2 that as and when the process for recruitment of TGT (Arts) SC-IRDP category is initiated, his case for such appointment shall be considered in accordance

with law on priority basis, and in case he is found eligible, he shall be offered appointment as such, as per Rules. In compliance with the above orders of this Court, the petitioner got the SC category certificate from the competent authority on 02.09.2011 and become eligible for the benefit under the SC quota thereafter. It has also been averred that when the petitioner had appeared in the next batch-wise counseling in 2012, on the basis of his SC certificate dated 02.09.2011 and being in the selection zone, he was offered appointment as TGT (Arts), vide office order dated 07.09.2012, whereas in the year 2008, he had not produced the SC certificate and as such he was not offered appointment. On the basis of the aforesaid averments, dismissal of the writ petition has been prayed for.

7. The petitioner filed rejoinder to the reply and controverted the averments made therein.

8. I have heard the learned counsel for the parties and also perused the record carefully.

9. It is not denied by the petitioner that he had obtained the certificate of SC category only on 02.09.2011. Further, the petitioner when he had earlier approached this Court had prayed for the relief that the respondents may kindly be directed to give him appointment as TGT (Arts) on batch-wise basis against SC category with effect from the due date with all consequential benefits. However, his plea was not accepted and this Court had only given direction to respondent No.2 that as and when the process for recruitment of TGT (Arts) SC-IRDP category is initiated, the case of the petitioner for such appointment shall be considered in accordance with law on priority basis and in case, he is found eligible, he shall be offered appointment as such, as per rules.

10. The respondents in compliance with the direction issued by this Court, offered appointment to the petitioner as per office order dated 07.09.2012. Once the plea earlier taken by the petitioner has been negated by this Court and the

relief was not granted, the very same plea and relief cannot be claimed by him by way of the present petition, which otherwise is barred by the principle of *res-judicata*. No doubt, the provisions of the CPC are not strictly applicable for the purpose of adjudicating the claims under the writ proceedings, but at the same time, the principles laid down under the CPC can be considered for the purpose of adjudicating the claim.

11. In the present case, admittedly, as per the plea which was earlier raised by the petitioner in the previous proceedings, as noticed in the judgment dated 09.07.2012, the relief of appointment as TGT (Arts) on batch-wise basis against SC category with effect from the due date with all consequential benefits, was not granted. Therefore, the very same relief cannot be claimed again by way of the present petition and as such the said plea is barred by the principle of *res judicata*.

12. Consequently, I do not find any merit in the

present petition and the same is accordingly dismissed. No order as to costs. Pending miscellaneous application(s), if any, shall also stand disposed of.

31st August, 2026
(*ankit*)

(Jiya Lal Bhardwaj)
Judge