

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 2552 of 2026

Decided on: 15.07.2026

Mahender Singh ... Petitioner

Versus

State of H.P. and others ... Respondents

Coram

Hon’ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹

For the petitioner : Mr. Prem Chand, Advocate.

For the respondents : Mr. Rahul Thakur, Deputy Advocate General.

Ajay Mohan Goel, Judge (Oral)

By way of this writ petition, the petitioner has approached this Court *inter alia* praying for the following reliefs:-

- “(i) That the impugned order dated 23.1.2026 passed by respondent No.3 whereby the representation of the petitioner has been rejected, may be quashed and set-aside;
- ii. That the respondents may be directed to re-enroll and re-enlist the petitioner as a with Volunteer in the Home Guards immediate effect with all benefits.
- iii. That the respondents may be directed to treat the petitioner in service for all intents and purposes and also may be ordered to be held entitled to all benefits as his junior are taking.”

2. The petitioner is seeking the quashing of office order dated 23.01.2026 (Annexure P-6), in terms whereof, his

¹ Whether reporters of the local papers may be allowed to see the judgment?

representation has been decided by the authority by returning the following findings:-

“In deference to the order passed by Hon'ble High Court of Himachal Pradesh in the CWP No. 20806 of 2025 dated 30.12.2025, the representation dated nil received from Sh. Mahender Singh S/o Sh.. Kedar Nath, Vill. Riwala, P.O. Balera, Teh. Arki, Distt. Solan, H.P. seeking re-enrollment in Home Guard organization has been considered.

Sh. Mahender Singh was enrolled in the Home Guards organization as a volunteer on 08.05.2001. He was discharged by the competent authority i.e. Commandant Home Guards, 11th Battalion, Solan on 10.05.2002.

There is no provision in the H.P. Home Guards Act, 1968 and H.P. Home Guards Rules, 1972 for re-enrolment of volunteer. Hence, Sh Mahender Singh cannot be re-enrolled in the Home Guard organization.”

3. Learned Counsel for the petitioner has referred to the judgment dated 05.01.2021, of the Hon'ble Division Bench of this Court in CWP No. 3628 of 2020, titled as Inder Singh versus State of HP and others and submitted that the rejection of the representation of the petitioner by observing that there is no provision for re-enrollment of the volunteers is bad in law because the Hon'ble Division Bench has been pleased to hold that a volunteer can be re-engaged.

4. On the other hand, learned Additional Advocate General has submitted that in light of the fact that the petitioner had served as a volunteer in the organization only from 04.05.2001 to 09.05.2002 and thereafter, he remained willfully absent, as he failed to report for duty, there is no infirmity in the order passed by the Authority.

5. Having heard learned Counsel for the parties and having gone through the pleadings as well as documents appended therewith, including the judgment of the Hon'ble Division Bench passed in CWP Number 3628 of 2020, titled as Inder Singh vs. State of H.P. and others (supra), this Court has no hesitation in holding that the rejection of the representation of the petitioner vide order dated 23.01.2026 is not sustainable in law. In the light of the fact that the Hon'ble Division Bench of this Court as far back as in the year 2021 has been pleased to hold that the volunteers can be re-enrolled, provided they fulfill the eligibility criteria, the Authority has erred in rejecting the representation of the petitioner.

6. Therefore, this writ petition is disposed of with the direction that the respondents shall re-assess the case of the petitioner for re-enrollment, provided he fulfills the eligibility criteria, which includes the age criteria, as on the date when the earlier writ petition was filed by the petitioner, i.e. 22.12.2025. It is clarified that

if the petitioner was overage on the said date, then no indulgence shall be shown to him by the Authority. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

July 15, 2026
(narender)