

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA
CWP No. 2526 of 2023.
Decided on : 14th August, 2026.

Sandeep Kumar

...Petitioner.

Versus

State of H.P. & Ors.

....Respondents.

Coram:

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹ Yes.

For the Petitioner: Mr. Prakash Sharma, Advocate.

For the respondents: Mr. Pushpinder Jaswal, Additional
Advocate General.

Ajay Mohan Goel, Judge (Oral).

By way of present petition, the petitioner has, inter alia,
prayed for the following reliefs:-

*"i) That the respondents may kindly be directed to release Grant-in-Aid in favour of the petitioner w.e.f. 20.9.2014 in furtherance to the policy to engage the teachers on SMC basis;
ii) That the respondents may kindly be directed to extend the benefit of judgement dated 7.4.2016 passed by this Hon'ble Court in CWP No.2467/2015 titled as Villam Singh Vs State of HP & others (Annexure P-9), affirmed by this Hon'ble Court in LPA No.53 of 2018 vide judgement dated 26.11.2018 and further upheld by Hon'ble Supreme Court in SLP(C) No. 19103/2019 vide judgement dated 9.8.2019. and consequently the petitioner may be held entitled to all consequential benefits including seniority and arrears:"*

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

2. The case of the petitioner is that he was engaged by the School Management Committee (SMC) as a PET with effect from 20.02.2013 at GHS Kansar, District Sirmaur, against a vacancy. As per the petitioner, he continues to work as such till date, but Grant-in-Aid is not being released to him. Seeking said relief, the petitioner has approached this Court.

4. Learned Counsel for the petitioner has argued that the petitioner has been engaged as a PET in a Government school for the last 13 years. His appointment was against a vacant post. Yet, till date, no Grant-in-Aid is being paid to him, which act of the respondents is arbitrary and not sustainable in law.

5. On the other hand, learned Additional Advocate General, by referring to the reply filed by the Department, has submitted that the petitioner was engaged by the School Management Committee purely on the basis of a resolution and no due selection process was followed at the time of his engagement. He also argued that the petitioner could not have been appointed as a PET in terms of the SMC policy in vogue and otherwise also, he was appointed through

backdoor as neither the post was advertised nor any interview was held by the SMC of other eligible candidates before engaging him. He further submitted that the petitioner accepted the offer of appointment on terms and conditions offered to him by the SMC, which are not binding upon the State. Accordingly, he submitted that there is no merit in the petition and the same is liable to be dismissed.

6. Having heard learned counsel for the petitioner as well as the learned Additional Advocate General, this Court is of the considered view that the petitioner cannot be denied Grant-in-Aid on the basis of the stand taken by the State.

7. Dehors whether the petitioner was engaged following due process by the SMC or not, the fact remains that the petitioner is serving against a vacancy of PET in the school concerned since 2013. If indeed there was or is any infirmity in the appointment of the petitioner, as alleged by the State, nothing prevents the State from immediately removing the petitioner from the said post. Having extracted the work of a PET from the petitioner and that too against

a sanctioned post, the State cannot now be allowed to take the plea that the engagement was bad in law for the purpose of denying Grant-in-Aid to the petitioner.

8. It is clarified that this Court is not legitimizing the appointment of the petitioner. All that this Court observes is that so long as such incumbents appointed by the SMC perform their duties in a Government school against a sanctioned post, the State cannot shy away from its duty and obligation to at least pay them the due and admissible Grant-in-Aid.

9. Accordingly, in light of the above observations, this petition is allowed. The respondents are directed to release Grant-in-Aid to the petitioner as admissible under the rules. Arrears to which the petitioner is entitled shall be paid for a period of three years preceding the filing of the writ petition. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

14th August, 2026.
(jai)