

**IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA**

CWP No.3882 of 2015
Decided on: 18.09.2026

Chandan Singh

...Petitioner

Versus

State of Himachal Pradesh and
and others

...Respondents

Coram

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹ *Whether approved for reporting? No*

For the petitioner: None, though represented.

For the respondents: Mr. Vishav Deep Sharma, Additional
Advocate General.

Mr. Gyar Singh, Lecturer-in-English/
DDO, GSSS Paban, Tehsil Chopal,
District Shimla, is also present in
person alongwith records.

Ranjan Sharma, Judge

Petitioner-Chandan Singh, has come up before
this Court in *CWP No.3882 of 2015*, seeking the following
reliefs:-

- “ (A) That the present Writ Petition may kindly
be allowed and Writ in the nature of
Mandamus may kindly be issued to direct
the Respondents to give first preference to
the Petitioner in the fresh interview for the
T.G.T. [Arts] Post as petitioner has been
working under same post since 23rd May
2012 without any benefit of salary;
- (B) That the Writ in the nature of Mandamus
may kindly be issued to direct the

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

Respondent to entitle the Petitioner with benefit of salary.”

2. *Case as set up* is that the petitioner was engaged as Trained Graduate Teacher [TGT] [Arts] on the basis of Resolution passed by School Management Committee [SMC] of GSSS Paban, Tehsil Chopal, District Shimla, Himachal Pradesh on 23.05.2012 and he joined as such in the said School on 28.05.2012. It is averred that the petitioner had continued to work in said School but on 28.08.2015 [*Annexure X-5*], the Respondents-Authorities issued an Advertisement for filling-up of one post of TGT [Arts] in said School through SMC.

3. *Grievance of petitioner* is that once the petitioner had been working as TGT [Arts] since 28.05.2012, therefore, he should be given *first preference* while holding selection on the basis of the Advertisement dated 28.08.2015 [*Annexure X-5*]. It is further averred that Advertisement issued vide *Annexure X-5*, intending to replace the petitioner with fresh incumbent was illegal and arbitrary; with the prayer to allow him to continue in said School.

4. Upon issuance of notice, the State Authorities have not filed any Reply-Affidavit.

4(i). Upon listing of the matter on 02.09.2026, this Court passed an order, directing the Learned State Counsel to have *Instructions* as to whether the petitioner had remained in service from 28.05.2012 till the passing of the interim orders on 14.08.2015 and even thereafter. Incumbency of the petitioner was also called for by this Court. Matter was again listed on 15.09.2026 when, complete records of the case were requisitioned from the State Authorities.

4(ii). Upon listing of the case today [18.09.2026], Learned State Counsel has produced Attendance Register of GSSS Paban, Tehsil Chopal, District Shimla [*Copy whereof has been Taken on Record*], which indicates that the petitioner had worked as TGT [Arts] upto 05.09.2014. Requisitioned records indicate that Principal, GSSS Paban, Tehsil Chopal, District Shimla, has furnished *Instructions* to Learned State Counsel on 18.12.2015 [*Taken on Record*], which indicates that petitioner remained absent w.e.f. 05.09.2014 and he has not reported for duty after 05.09.2014 in the said School. Record reveals that vacant post of TGT [Arts] was decided to be filled-up by way of SMC on 13.07.2015 and an Advertisement was issued by the State

Authorities on 28.08.2015 [Annexure X-5] but authorized person, namely, Shri Gyar Singh, Lecturer-in-English/DDO, has produced the requisitioned records, to establish that on the basis of Advertisement dated 28.08.2015 [Annexure X-5] neither any selection process was undertaken nor any incumbent was appointed in the said School through SMC.

5. Claim of the petitioner for giving preference in view of his earlier incumbency w.e.f. 28.05.2012 is also devoid of any merit, *for the reason*, that “*Principle of Preference*” is invokable, in a selection, where “*merit of two or more candidates is equal*”. Since no selection was undertaken on the basis of Advertisement dated 28.08.2015 [Annexure X-5], then, the plea for *preference* is misconceived. Even, requisitioned records indicate, that petitioner had applied for the post on 23.05.2012 and he joined on 28.05.2012 and his joining report indicates that till the time he worked in the said School, he shall not claim any wages, and in case, any regular-hand or transferee is posted, he shall resign from the said post.

6. *Be that as it may*, requisitioned records

indicate that the petitioner remained absent after 05.09.2014. Even, the Advertisement dated 28.08.2015 [Annexure X-5] did not culminate and no selection process was undertaken and no candidate was appointed through SMC in the said School, on the post, where the petitioner had worked since 28.05.2012 but had remained absent since 05.09.2014 and had not turned up thereafter.

7. Considering the above facts and after perusing the requisitioned records, this Court has proceeded to dispose of the instant petition, on merits, for non-appearance of either the petitioner or his Counsel since 09.09.2026. Moreover, the claim of petitioner lacks merit, in view of his absence since 05.09.2014 coupled with the fact that selection process pursuant to the Advertisement dated 28.08.2015 [Annexure X-5] was neither undertaken nor taken to logical conclusion.

In these circumstances, the instant petition is dismissed alongwith all pending miscellaneous application(s), if any.

(Ranjan Sharma)
Judge

September 18, 2026
[Bhardwaj]