

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**

**CWP No. 3402 of 2019**

**Decided on: 18.09.2026**

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Anil Kumar ..... petitioner  
Versus

State of H.P. and others ..... respondents

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Coram:

**Hon'ble Mr. Justice Bipin Chander Negi, Judge**

Whether approved for reporting? <sup>1</sup>

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**For the petitioner** : Mr. Vinod Sharma, Advocate.

**For the respondents** : Mr. Arsh Rattan Deputy Advocate  
General for respondents No. 1 & 2.

: None for respondent No.3.

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**Bipin Chander Negi, Judge (oral)**

The present petition has been filed seeking the following relief:-

1. That an appropriate writ order or direction may very kindly be issued and directions may very kindly be given to the respondents to release grant-in-aid in favour of the petitioner with effect from 20<sup>th</sup> September, 2014, when the area where the petitioner is teaching, has been included in the policy enabling the teachers engaged on SMC basis making them entitled for the grant-in-aid alongwith arrears and with interest @ 9% per annum.
2. The post of Physical Education Teacher (PET) had been lying vacant in GSSS Sarot. The School Management Committee, in its meeting held on **08.05.2012** at GSSS Sarot, decided to fill the post of Physical Education Teacher lying vacant

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<sup>1</sup> Whether the reporters of the local papers may be allowed to see the judgment?

in the school. At the said meeting, interview of the present petitioner was conducted for being appointed as a Physical Education Teacher in GSSS Sarot. After being successful at the interview the petitioner was appointed on a temporary basis without pay. The same is evident from Annexure P-2 (page Nos. 16/17 of the paper book).

3. For being appointed to the post of Physical Education Teacher, it has been categorically averred in the petition that the petitioner was eligible as he held a Bachelor's degree in Physical Education (B.P.Ed.). Copy whereof has been placed on record as Annexure P-1.

4. In pursuance of the aforesaid appointment, the petitioner started performing his duties as a Physical Education Teacher in GSSS Sarot w.e.f 08.05.2012. Other than the aforesaid, it has been averred in the petition that the respondents-State had formulated a Grant-in-Aid Policy dated 17.07.2012 qua grant-in-aid to be paid to the teachers appointed on SMC basis in tribal/difficult areas. The school wherein the petitioner had been appointed was not included in the aforesaid policy. However, vide a subsequent notification dated 20.09.2014, the school wherein the petitioner was working was included for payment of Grant-in-Aid to teachers appointed on SMC basis.

5. In the aforesaid background, it is contended by learned counsel for the petitioner in terms of notification dated

20.09.2014, the petitioner is entitled to Grant-in-Aid as the school wherein he had been appointed on SMC basis was covered to receive Grant-in-Aid in terms of the aforesaid policy.

6. Reliance has been placed on the judgment passed by a Co-ordinate Bench of this Court in **CWP No. 2467 of 2015, decided on 07.04.2016, titled Villam Singh vs. State of H.P. and others** (Annexure P-3), wherein the petitioner (Villam Singh) had been initially appointed on 05.05.2012 by the SMC on temporary basis without remuneration and vide notification dated 20.09.2014 the school wherein the petitioner (Villam Singh) had been appointed had become entitled to receive Grant-in-Aid. Hence, Villam Singh had been held entitled to receive Grant-in-Aid from 20.09.2014. The said judgement is stated to have attained finality.

7. In the reply filed, it is not the case of the respondents that the petitioner is not qualified to be appointed. The stand taken is that the petitioner had been appointed prior to Policy dated 17.07.2012 and was, thus, according to the respondents, not entitled to receive Grant-in-Aid.

8. Heard counsel for the parties. Perused the writ record.

9. The fact that the school wherein the petitioner was appointed on 08.05.2012, i.e., GSSS Sarot, was covered under notification dated 20.09.2014, whereby the petitioner would be

entitled to receive Grant-in-Aid, has not been controverted in the reply filed. The respondents have not questioned the appointment of the petitioner on account of any in-eligibility.

10. In the aforesaid background, I am of the considered view that the case of the petitioner is squarely covered by the judgment delivered by a Co-ordinate Bench in CWP No. 2467 of 2015, decided on 07.04.2016, titled Villam Singh vs. State of H.P. and others, wherein the petitioner had been initially appointed on 05.05.2012 by the SMC on temporary basis without remuneration. Once the school wherein the petitioner (Villam Singh) had been appointed had come within the purview of the policy/notification dated 20.09.2014, the petitioner therein was held entitled to receive Grant-in-Aid. Being similarly situated, the present petitioner would be entitled to receive Grant-in-Aid. However, in the present case, the petitioner has filed the writ petition on 11.11.2019. Hence, in the aforesaid background, the claim of the petitioner to receive Grant-in-Aid shall be limited to three years prior to the filing of the petition.

11. Other than the aforesaid, attention of this Court has been invited to order dated 2.8.2021, the same is being reproduced herein for ready reference:-

“CMP No. 7900 of 2021

The grievance which has been raised by the applicant/petitioner by way of this application is with regard to the posting of one Shri Harbans Dulta

(PET), an incumbent serving on regular basis at GSSS. Sarot. where applicant/petitioner is serving on SMC basis as a PET teacher. resulting in unceremonious ouster of the applicant from the said post.

Learned Senior Counsel for the applicant/petitioner submits that the transfer which has been effected by the State vide Office Order dated 26th June, 2021. Is but on account of the fact that the applicant has approached this Court praying for Grant-in-Aid. Accordingly, a request has been made that order dated 26<sup>th</sup> June, 2021 be quashed and set aside and respondents be directed to permit the applicant to continue to serve as PET teacher at GSSS. Sarot.

Learned Additional Advocate General. on instructions, submits that the application is not maintainable for the reason that it is a fresh cause, which has accrued in favour of the applicant/petitioner and the same cannot be agitated by way of this application in the already filed writ petition, wherein the cause is totally different from the one raised by way of this application. He further submits that in case the petitioner is having any grievance qua order dated 26th June, 2021, then the course open to him is to file an appropriate representation to the authority concerned, which if filed shall be considered in accordance with the Rules, sympathetically by the authorities concerned.

Learned Senior Counsel for the petitioner submits that the applicant/petitioner may be permitted to withdraw this application, with liberty to approach the appropriate authority for the redressal of his grievance.

The application is permitted to be withdrawn, with the direction that in the event of the petitioner filing a representation with regard to Office Order dated 26th June, 2021 within a period of one week from today, then the same shall be considered sympathetically and decided by the officer concerned by taking into consideration the past services rendered by the applicant, though in accordance with the Rules, within 15 days from the date of receipt of the representation.

With these observations, the application is closed.

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As prayed for. list for consideration after two weeks.  
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12. From the same, it is evident that the services of the petitioner as a PET teacher at GSSS Sarot had been terminated w.e.f. 26<sup>th</sup> June, 2021. In pursuance of the order dated 2.8.2021, the petitioner had made a representation. The representation so made was decided vide order dated September, 2021, placed on record at page 42/43. From a perusal of the same, it is evident that the representation made for being re-engaged had been rejected. Hence, in the aforesaid backdrop, arrears to be paid to the petitioner as already stated supra shall be limited to 3 years prior to the filing of the petition, i.e., 11.11.2019 till 26.02.2021.

The petition stands disposed of in the aforesaid terms. Pending miscellaneous applications, if any, also stand disposed of.

**(Bipin Chander Negi)**  
**Judge**

**18<sup>th</sup> September, 2026**  
(Tarun Singh)