

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.4382 of 2020
Decided on: 05.10.2026

Vimal Kumar

...Petitioner

Versus

State of H.P. and others

...Respondents

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the petitioner: Mr. Rajesh Kumar, Advocate.

For the respondents: Mr. Amit Kumar Chaudhary, Deputy
Advocate General, for respondents
No.1 to 3.

Respondent No.4 ex-parte.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner by way of present petition has
prayed for the following substantive relief:-

“(i) That writ in the nature of mandamus may kindly be
issued, directing the respondents to reinstate the
petitioner in service as DPE at Government Senior
Secondary School Dharampur, Tehsil Sarkaghat,
District Mandi, H.P. or any other school where the
post is lying vacant, within a time bound period, with
all consequential benefits.”

2. Shorn of unnecessary details, the key facts of the
case are that the petitioner who was eligible to be appointed

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

as DPE was appointed as such by the Parents Teacher Association (in short 'PTA') in Government Senior Secondary School Dharampur (in short 'GSSS Dharampur'), Tehsil Sarkaghat, District Mandi, H.P., where he joined his duties on 25.10.2007. The petitioner performed his duties in the aforesaid school till 03.03.2009, when his services were terminated on joining of a regular/contractual DPE. The petitioner has served at GSSS Dharampur w.e.f. 25.10.2007 to 03.03.2009, which is evident from a perusal of Annexure P-1, a certificate issued by the Principal GSSS Dharampur, Tehsil Sarkaghat, District Mandi, H.P.

3. Respondent No.2 had issued instructions dated 23.02.2013 (Annexure P-2) vide which, it was conveyed that the services of all those PTA provided teachers under Grant-in-Aid (in short 'GIA') to PTA Rules 2006, whose services have been discontinued due to new appointment or by transfers, will be re-engaged by the concerned PTAs, who were found eligible by the committees constituted by the Government, vide Notification No. EDN-A(kha)7-3/2006 dated 19.04.2008 and 27.05.2008 and were eligible as per the Recruitment and Promotion Rules (in short 'R&P Rules') at the relevant time. It was further observed that no PTA provided teacher will be re-

engaged, whose services were terminated by the committees keeping in view the irregularities found in their appointments.

4. It has also been averred that despite the instructions issued by respondent No.2, the competent authority did not accede to the requests of the petitioner and conveyed that the dispute with regard to the appointment and termination of service of the PTA teachers is pending adjudication before the Hon'ble Supreme Court. It has further been averred that despite the decision in the case of PTA teachers, which is *rem* in nature as well as various requests made by the petitioner from time to time, the respondents deprived him regarding reinstatement in service and thus the action in not reinstating the petitioner in service is illegal, harsh, discriminatory and against the instructions and Articles 14, 16 and 21 of the Constitution of India.

5. It has also been averred that this Court had an occasion to deal with a case of similar nature in CWP No.2047 of 2017, titled, ***Rangeela Ram vs. State of Himachal Pradesh & Ors.***, wherein a direction was given to the respondents authorities to re-appoint the petitioner-Rangeela Ram with all consequential benefits except back wages on same terms and conditions, on which he was working at the

time of termination of his services. Since the appointment of the petitioner was made on the basis of his fulfillment of eligibility criteria as well as his meritorious position in the interview conducted by the competent authority, his services could not be terminated by taking the plea that contractual/regular hand has joined the school. Further once the Government of Himachal Pradesh had taken a conscious decision to re-instate those PTA-GIA provided teachers, whose services were terminated, the action on the part of the respondents in not taking effective steps for reinstatement of the petitioner has unnecessarily subjecting him to undue harassment and as such prayed for the directions to the respondents to reinstate him in service as DPE at GSSS Dharampur, Tehsil Sarkaghat, District Mandi, H.P., where the post is lying vacant.

6. Respondents No.1 to 3 filed reply to the petition and averred that the petitioner was engaged on PTA basis as a stop gap arrangement due to the shortage of Physical Education Teacher by passing a resolution by local PTA till joining of a regular DPE. The petitioner was neither appointed under the PTA(GIA) Policy, 2006 nor being paid out of Government funds/budget etc. Moreover, the Government has

discontinued PTA(GIA) Policy, 2006 vide Notification dated 03.01.2008, under which the petitioner is seeking claim. The services of the petitioner were discontinued due to joining of a regular hand and as such, prayed for dismissal of the writ petition.

7. The petitioner filed rejoinder to the reply and controverted the averments made therein. The petitioner has placed on record the information provided by the Principal of GSSS, Dharampur, to the Deputy Director, Higher Education, Mandi, District Mandi, H.P., regarding the appointment of the petitioner as DPE. Even a certificate issued by the Principal, GSSS, Dharampur, has been placed on record, in which it has been stated that the petitioner has not been paid GIA for the period w.e.f. 25.10.2007 to 03.03.2009, for the reason that his case was not sent to the Deputy Director Higher Education, Mandi, due to election code of conduct. A copy of judgment passed by a coordinate Bench of this Court in CWP No.4943 of 2021, titled, **Aarti Bhanwal vs. State of H.P. & Ors.**, has also been placed on record, whereby after quashing the impugned order a direction was given by this Court to consider and decide the case of petitioner-Aarti Bhanwal against the post of Lecturer (Political Science) at Government Senior

Secondary School, Sandhole, in terms of the instructions dated 22.05.2014.

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

9. It is not in dispute that the petitioner has served as DPE in GSSS, Dharampur, Tehsil Sarkaghat, District Mandi, H.P. on PTA basis w.e.f. 25.10.2007 to 03.03.2009. It is also not in dispute that the services of the petitioner were discontinued due to joining of a regular hand. As per the instructions dated 23.02.2013, the Government had taken a decision that the services of all those PTA provided teachers under GIA to PTA Rules, 2006, whose services were discontinued due to new appointment or by way of transfers, will be re-engaged by the concerned PTAs, who were found eligible by the committees constituted by the Government vide Notification dated 19.04.2008 and 27.05.2008. It is also not in dispute that the persons who were appointed on PTA basis were re-engaged by the respondents.

10. So far as the plea taken by the respondents in the reply that the petitioner was neither appointed under the PTA (GIA) Policy, 2006 nor being paid out of Government funds/budget etc., is concerned, as per the documents placed

on record, the case of the petitioner for release of Grant-in-Aid was not sent to the Government due to election code of conduct and once the petitioner was appointed on PTA basis, which fact has not been denied, his claim cannot be rejected only on the ground that he was not being paid out of Government funds/budget, etc.

11. The second plea taken by the respondents in their reply that the Government had discontinued PTA(GIA) Policy, 2006, vide Notification dated 03.01.2008 cannot be accepted for the reason that the petitioner was appointed on 25.10.2007 as DPE on PTA basis i.e. before discontinuation of the PTA(GIA) Policy, 2006 on 03.01.2008. Had the respondents not issued the instructions dated 23.02.2013, the petitioner would not have claimed any benefit or relief to reinstate his services. However, once the Government had taken the conscious decision to re-appoint those PTA teachers, who were earlier terminated from service on account of regular/contractual teachers being appointed in their places, and the services of the petitioner were terminated solely on account of a regular teacher being posted in his place, the petitioner is entitled to be re-appointed as DPE on PTA basis in GSSS Dharampur, in view of the decision of the State

Government dated 23.02.2013, more especially when other teachers appointed on PTA basis have been taken back into service after issuance of the aforementioned instructions.

12. In similar facts, Division Bench of this Court in CWP No.2047 of 2017, titled, ***Rangeela Ram vs. State of H.P. & Ors.***, had disposed of the petition with a direction to the State Government to re-appoint the petitioner-Rangeela Ram as Lecturer (History) with all consequential benefits except back wages on same terms and conditions on which he was working at the time of termination of his services. Since in the case of the petitioner, he was also appointed as DPE on PTA basis, which fact has not been denied by the respondents while filing reply to the petition, except that the appointment of the petitioner was not under the GIA Policy, 2006, he cannot be denied the same relief, more particularly as already observed above, his case for Grant-in-Aid was not sent due to election code of conduct.

13. Learned counsel for the petitioner has not stated anything in the petition that after termination of services of the petitioner, he was not gainfully employed anywhere, therefore, the petitioner is entitled only for reinstatement, but not to any monetary benefits, that too, keeping in view the

policy decision taken by the respondents, whereby the services of all those PTA provided teachers, whose services had been discontinued due to new appointment or by way of transfers, were ordered to be re-engaged by the concerned PTAs.

14. Consequently, the present petition is disposed of with a direction to respondent No.1 to re-appoint the petitioner as DPE in Government Senior Secondary School Dharampur, Tehsil Sarkaghat, District Mandi, H.P. within two months from today with all consequential benefits on PTA basis, except back wages on same terms and conditions on which he was working at the time of termination of his services. No order as to costs. Pending miscellaneous application(s), if any, also stand disposed of.

05th October, 2026

(Anurag)

**(Jiya Lal Bhardwaj)
Judge**