

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 12277/2026

Decided on : 11th September, 2026

Reshmu Devi

...Petitioner.

Versus

State of H.P. & Ors.

....Respondents.

Coram:

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the Petitioner:

Ms. Ankita, Advocate.

For the respondents:

Mr. Sikander Bhushan, Deputy Advocate
General.

Jyotsna Rewal Dua, Judge.

CMP No. 23230/2026

Allowed and disposed of.

CWP No. 12277/2026

Learned counsel for the petitioner submitted that the petitioner had earlier approached this Court and the petition filed by her was disposed of with the direction that the representation preferred by her be decided by the Competent Authority in accordance with law.

2. By drawing the attention of the Court to Annexure P-12, order dated 05.07.2025, learned counsel for the petitioner has submitted that, pursuant thereto, the impugned order has been passed and, in terms thereof, the claim of the petitioner has been rejected on the ground

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

that the State Government had enacted the Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024 (hereinafter referred to as 'the 2024 Act'). Learned counsel submitted that the vires of the said Act were assailed by way of a writ petition before this Court, i.e., CWP No.3361 of 2025, titled Devinder Kumar and others versus State of Himachal Pradesh and others and the Hon'ble Division Bench of this Court was pleased to strike down the Act being unconstitutional. The State preferred a Special Leave Petition against the judgment of the Hon'ble Division Bench and the Hon'ble Supreme Court of India has been pleased to dismiss the said Special Leave Petition. She submitted that in the light of this fact, the impugned order is not sustainable in the eyes of law.

3. As the factum of the 2024 Act having been held ultra vires by the Hon'ble Division Bench of this Court and the dismissal of the SLP preferred by the State against the judgment passed by the Hon'ble Division Bench is not disputed by the State, accordingly, the impugned order is quashed and set aside with direction to the Competent Authority to take a fresh call on the representation filed by the petitioner in light of the averments made therein, in accordance with law and also taking into consideration the observations made by the Hon'ble Supreme Court of

India while dismissing the SLP filed by the State against the judgment passed by the Hon'ble Division Bench of this Court in CWP No.3361 of 2025, titled Devinder Kumar and others versus State of Himachal Pradesh and others.

4. Petition stands disposed of accordingly, so also, pending miscellaneous application(s), if any

Jyotsna Rewal Dua
Judge

11th September, 2026.
(rohit)