

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPOA No.4097 of 2019

Decided on: 08th October, 2026

Dr. Sonika Gupta

...Petitioner

Versus

Dr. Y.S. Parmar University of Horticulture
and Forestry and others

...Respondents

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the petitioner:

Mr. K.D. Shreedhar, Senior Advocate
with Ms. Sneh Bhimta, Advocate.

For the respondents:

Mr. Ashish Jamalta, Advocate, for
respondents No.1 and 2.

Mr. Dilip Sharma, Senior Advocate
with Mr. Manish Sharma, Advocate,
for respondent No.3.

None for respondent No.4.

Jiya Lal Bhardwaj, Judge (Oral)

CMP-T No.468 of 2026

By way of present application, a prayer has been made on behalf of respondent No.1-University to place on record the reasoned findings-cum-decision report on the representation of the petitioner.

2. Keeping in view the averments made in the

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

application, the same is allowed and the report annexed with the application is ordered to be taken on record.

The application is accordingly disposed of.

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Since the pleadings in the petition are complete, the matter is being taken up for final disposal.

2. The petitioner by way of present petition, has prayed for the following substantive reliefs:-

“(i) That the appointment of respondent No. 3 to the post of Assistant Professor (Agricultural Economics) may be quashed and set aside.

(ii) That the recommendations of the Selection Committee, recommending the name of respondent No. 3 to the post of Assistant Professor (Agricultural Economics) may also be quashed and set aside.

(iii) That the respondent No. 1 may be directed to appoint the petitioner to the post of Assistant Professor (Agricultural Economics).”

3. Learned senior counsel representing the petitioner submits that in view of the report submitted by respondent No.1-University, he does not want to press relief Nos.1 and 2 in the petition.

4. As per the reasoned findings-cum-decision report submitted by respondent No.1-University, a relief has been

recommended which subserves the purpose of the petitioner.

The relevant recommendation in para 14 of the report reads as under:

"14. Relief Recommended

14.1. The University at present has sixteen sanctioned posts in the discipline of Agricultural Economics, of which seven are presently vacant. The Committee accordingly recommends that the Hon'ble High Court may be pleased to direct the appointment of Dr. Sonika Gupta against a vacant Unreserved post, and records that the University is ready and willing to give effect to such a direction without demur and within whatever time the Hon'ble Court may fix.

*14.2. The Committee further recommends that the Hon'ble High Court may be pleased to direct that her appointment **relate back to the date on which she ought to have been appointed in 2010, with such seniority, pay fixation, continuity of service and other consequential benefits from that date as the Hon'ble Court considers just and legally permissible, so that the remedy is substantive and not merely declaratory.***

14.3. The Committee leaves the financial component of the relief entirely to the Hon'ble High Court, having regard to the service equities of Sh. Subhash Sharma and to the fact that the University has paid salary against the post throughout the intervening period.

14.4. It is recorded as a matter of fact that Dr. Sonika Gupta has pursued this matter continuously before the Hon'ble High Court and the H.P. Administrative Tribunal since 2010; that she has remained outside this University's service throughout that period; and that nothing on the record attributes any part of the delay to any default on her part."

5. As per the relief recommended, respondent No.1-
University at present has sixteen sanctioned posts in the

discipline of Agricultural Economics, out of which seven are presently vacant. The Committee has recommended that the petitioner can be appointed against a vacant unreserved post and respondent No.1-University is ready to give effect to the direction, if issued by this Court without demur. Further, as per the recommendation, her appointment can relate back to the date on which she ought to have been appointed in 2010, with such seniority, pay fixation, continuity of service and other consequential benefits.

6. Since respondent No.1-University has now taken a call in the matter and as per the report of the Committee, the petitioner can be appointed against a vacant unreserved post from the date she ought to have been appointed in 2010 with all consequential benefits, this Court, rather than adjudicating the matter on merits, is accepting the report submitted by respondent No.1-University to the extent of recommendations made by the Committee to offer the appointment to the petitioner against a vacant unreserved post in the year 2010 with all consequential benefits. However, it is made clear that this Court has neither returned any findings on other issues

which are found mentioned in the report nor affirmed the findings.

7. Consequently, the present petition is allowed and respondent No.1-University is directed to offer the appointment to the petitioner against a vacant unreserved post from the year 2010 with all consequential benefits such as seniority, pay fixation and continuity of service. However, it will not jeopardize the interest of respondent No.3 in the writ petition.

8. The petition is accordingly disposed of. No order as to costs. Pending application(s), if any, shall also stand disposed of.

08th October, 2026

(ankit)

**(Jiya Lal Bhardwaj)
Judge**