

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

**CWP No. 17450/2026
Decided on: 06.10.2026**

Kalpana Thakur

...Petitioner

Versus

State of H.P. & Ors.

....Respondents.

.....
Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the petitioners:

**Mr. Onkar Jairath, Sr. Advocate
with Mr. Piyush Mehta, Advocate.**

For the respondents:

**Ms. Menka Raj Chauhan, Deputy
Advocate General, for
respondents No.1 & 2.**

Jyotsna Rewal Dua, J

This writ petition has been filed for the grant of following
substantive reliefs: -

“(i) That the writ in the nature of Mandamus or any other appropriate writ, order or directions may kindly be issued, directing the respondents to release the Grant-in-Aid w.e.f. 01.09.2005 to 20.01.2006 till date along with interest @9% P.A. and the respondents be further directed to continuously release the same in future also.

(ii) That the writ in the nature of Mandamus or any other appropriate writ, order or directions may kindly be issued, directing the respondents to re-engage the services of the Petitioner as Trained Graduate Teacher Art at Government High School Naun,

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

Tehsil Chachiot, District Mandi, Himachal Pradesh or any other suitable place with all consequential benefits.”

2. Heard & considered the case file.

3. The case projected for the petitioner is that in the year 2005, a post of Trained Graduate Teacher (Arts) was lying vacant in Government Middle School, Naun, Tehsil Chachiot, District Mandi. The Parent Teacher Association (PTA) of the said school interviewed/appointed the petitioner as TGT (Arts) in the said school. The petitioner joined her duties as such on 01.09.2005. It is the case of the petitioner that she worked as such for about four months and her services were terminated on 20.01.2006 on the joining of a regular teacher. It has been urged on behalf of the petitioner that the respondent-State took a conscious policy decision by issuing instructions dated 05.09.2013 (Annexure P-3), providing that wherever a contractual/regular teacher has replaced PTA (Grant-in-Aid) teacher, such contractual/regular teacher would, in condonation of short stay, be transferred and adjusted against any other vacant post available in the State so as to enable the displaced PTA (Grant-in-Aid) teacher to rejoin and continue in service.

Learned counsel for the petitioner submits that petitioner's case is covered by the aforesaid policy and that the respondents were under an obligation to consider and re-engage the petitioner in accordance with the aforesaid policy. Reliance has also been placed

upon ***Lata Kumari Vs. State of Himachal Pradesh and others***², in support of the reliefs sought.

4. It is the admitted case of the petitioner that her services were dispensed with after she had rendered service for about four months, i.e. on 20.01.2006. Petitioner's claim for re-engagement and for grant-in-aid for the period of four months i.e. 01.09.2005 to 20.01.2006, along with interest at 9% per annum, suffers from delay, laches and acquiescence. The cause of action first accrued to the petitioner on 20.01.2006, when her services were terminated on the joining of a regular teacher. The petitioner did not assail termination of her services at the relevant point of time. As per the pleaded case, the cause of action again accrued to the petitioner in September, 2013, when the respondent-State statelily decided to re-engage the PTA/GIA-appointed teachers whose services had been terminated on account of the joining of regular/contractual incumbents. Though it is not the case of the petitioner that she was a PTA/GIA-appointed teacher, yet, even if her case is construed on that basis as alleged, then also the petitioner did not take any legal recourse even in the year 2013 or in close proximity period. A subsequent decision in another matter, i.e. *Lata Kumari*², which is not a judgment in rem and is based upon the facts of that case, will not revive an otherwise stale claim of the petitioner.

² CWPOA No. 4978 of 2020, decided on 18.03.2026

Petitioner's case is not even similar to that of *Lata Kumari*². Perusal of *Lata Kumari*² (Annexure P-4) makes it evident that the petitioner therein was appointed as Trained Graduate Teacher (Science) against a vacant post on 06.01.2006. She continued as such on PTA basis. CWP No. 8692 of 2012 was preferred by her seeking grant-in-aid. The writ petition was disposed of on 10.04.2015, holding her entitled to grant-in-aid. In sequel to the directions issued in CWP No. 8692 of 2012, the petitioner therein, Lata Kumari, was given the benefit of grant-in-aid, however, in an arbitrary manner, the respondents cancelled the appointment of the petitioner therein on 09.09.2016. This led the petitioner, Lata Kumari, to file OA No. 4606 of 2016. The said petition was disposed of on 18.12.2017, with a direction to the respondent-State to grant grant-in-aid to the petitioner for the left out period and, qua her re-engagement, she was directed to file a representation. The respondents rejected the representation of Lata Kumari on 30.07.2018. Feeling aggrieved, she preferred *Lata Kumari*². The writ petition was allowed on 18.03.2026. In *Lata Kumari*², the petitioner therein had kept the issue alive. The issue was never allowed to become stale. The facts of the instant case have no similarity to the facts of *Lata Kumari*². The cause of action, if any, accrued to the petitioner during the year 2006 and thereafter in the year 2013. This writ petition preferred on 27.07.2026 seeking reinstatement in service

and grant-in-aid hopelessly suffers from unexplained delay, laches and acquiescence. The petition is accordingly dismissed. Pending miscellaneous applications, if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

06th October, 2026_(rohit)