

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA
LPA No. 456 of 2026
Decided on : 19.08.2026

Arun

...Appellant

Versus

The State of Himachal Pradesh and others

...Respondents

Coram

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Bipin C. Negi, Judge.

Whether approved for reporting?¹

For the appellant : Mr. Suneel Awasthi, Advocate.

For the respondents : Mr. Varun Chandel, Additional
Advocate General, for respondents
No.1 and 2.

Mr. Vikrant Thakur, Senior
Advocate, with Ms. Shivani Priya,
Advocate, for respondent No.3.

G.S. Sandhawalia, Chief Justice (Oral)

The appellant seeks consideration of the judgment passed by the learned Single Judge, in ***Civil Writ Petition No. 11518 of 2016***, titled ***Arun Vs. State of Himachal Pradesh and others***, dated 14.07.2016, whereby the learned Single Judge had dismissed the petition of the appellant herein, who was seeking the benefit of the judgments passed by this Court in ***LPAs No. 506 of 2024*** and ***34 of 2025***, titled ***Mohit Gupta Vs. State of Himachal Pradesh and others*** and ***Pratibha Chauhan Vs. State of Himachal Pradesh and others***, respectively, decided on 29.05.2026.

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

2. The other reliefs sought in the said petition were to revise the merit list and selection list relating to Himachal Pradesh Administrative and Allied Services Examination, 2013, to consider the case of the petitioner in the revised merit/select list and determine his entitlement to selection and appointment and to grant appointment to him to the appropriate service/post together with all consequential benefits including continuity of service, seniority, notional pay fixation etc.

3. The learned Single Judge was of the considered opinion that the order as such, was *in-personam* to the appellant in the said Letters Patent Appeal and the claim on account of filing a representation without even having filed an independent writ petition when the cause of action accrued or becoming a party either at the stage of the pendency of the writ petitions or appeal in the litigation, would not give him any right to seek the said benefits. It was also noticed that this Court had not granted benefits to the others except the appellants and therefore, filing of the representation was also held to be ill advised as such and directions were issued that no such consideration would be done on the representation of the petitioner.

4. It is not disputed that the litigation had ensued qua an advertisement dated 01.01.2013 for the said posts. The writ petitioners namely, Pratibha Chauhan, Vipin Kumar, Mohit Gupta,

Yashpal Singh and Arshee Sharma had filed applications before the erstwhile State Administrative Tribunal at that point of time, on the ground that they being general candidates, were being pushed out of the zone of selection on account of the fact that the reserved candidates, who had participated in the recruitment process under the reserved category, had got the benefit of lesser qualifying marks and were then being considered against the general category list on the strength of their merit as such. The applications were accordingly transferred to this Court in the years 2019 and 2020 on the abolition of the Tribunal and had been decided eventually on 20.11.2024 against the writ petitioners.

5. In the Letters Patent Appeal, which was allowed by us on 29.05.2026, was filed by Ms. Pratibha Chauhan and Mohit Gupta and we had reversed the said findings and directed the said appellants to be considered, keeping in view the fact that the reserved candidates as such, had got the benefit inspite of getting of lesser qualifying marks and therefore, could not have been adjusted in the unreserved category on the basis of their marks, having taken a concession in the preliminary examination. The appellant, who claimed himself to be placed at rank No.10 and higher than Pratibha Chauhan and Mohit Gupta, had never agitated for his grievances at any point of time and had been

satisfied with the manner in which the selection had been conducted by the respondent-Commission. Only on account of the decision taken by us, a representation was filed by him on 09.06.2026 (Annexure P-5), seeking the parity of the said judgment and that the benefit should be extended.

6. A perusal of the representation would also go on to show that the picture was projected as if we had directed the Commission to examine the effect of migration of reserved category candidates who had qualified the preliminary examination by relaxed standards and to grant consequential benefits to all eligible candidates found entitled thereto. It was further projected that this Court had specifically held that the benefit flowing from the aforesaid exercise was not to be confined to the appellants alone and had to be extended to all similarly situated candidates, who are entitled in law.

7. The said representation is thus based on a totally wrong premise as we had only directed the consideration of the appellants, keeping in view the fact that they had been in litigation right from the start in the selection process which had culminated from the appointment of the private respondents, whom they had arrayed in the original applications filed by them. The present petition was filed before the learned Single Judge without even having impleaded the said persons who are the affected parties.

8. Even otherwise, in similar circumstances, only yesterday in ***LPA No. 472 of 2026***, titled ***Yash Pal Singh Vs. State of Himachal Pradesh and others***, filed by one Yash Pal Singh, was also dismissed by us by noticing the fact that Yash Pal Singh though had filed the original application but had only taken the litigation to its end before the learned Single Judge and never filed a Letters Patent Appeal. He had filed a fresh writ petition thereafter on account of our decision in the LPA, which had been dismissed by the learned Single Judge and thereafter, the Letters Patent Appeal had arisen out of the said petition. He was at least better placed than the present appellant, having initiated the litigation but having not taken it to its logical end and, therefore, had not been granted the relief.

9. In such circumstances, there is no plausible reason as such, for us to grant the relief which has been sought by the appellant herein. Accordingly, the present appeal is dismissed. Pending miscellaneous application(s), if any, also stands disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

August 19, 2026_(Shivank Thakur)