

Rajesh Kumar vs. State of H.P. & Ors.

CMP No.24756 of 2024 in
Ex. Petition No.109 of 2024

08.10.2026 Present: Ms. Reeta Hingmang, Advocate, for the
applicant/petitioner.

Mr. Amandeep Sharma, Additional Advocate
General, for respondents No.1 and 3-State.

Mr. Vishwajeet Singh, Advocate, for
respondent No.2.

Learned counsel for respondent No.2 has
produced instructions dated 07.10.2026, issued by the
Secretary, HP Rajya Chayan Aayog, Hamirpur (HP) along
with copy of order dated 29.07.2024, passed by the Officer
on Special Duty, erstwhile HP Staff Selection Commission-
cum-Administrative Officer, HPRCA Hamirpur, H.P. The
same are taken on record.

2. The applicant/petitioner by way of present
application has prayed for revival of the execution petition
preferred by him, which came to be disposed of on
29.02.2024, directing respondent No.2 to implement the
directions passed by this Court, as affirmed by the Hon'ble
Supreme Court of India in Para-45 of its judgment, within a
period of twelve weeks.

3. After passing the aforementioned order, the other execution petitions were listed before the Division Bench of this Court on 08.08.2024, in which a direction was given to respondent No.2 to re-assess the eligibility along with merit by giving them opportunity of personal hearing on 27.07.2024 and decide the same by passing a speaking and reasoned order and thereafter report of such exercise be placed before the Court on 30.07.2024. After the direction issued by the Division Bench of this Court in Execution Petition No. 14 of 2024, titled, **Ankush vs. State of HP & others** and connected petitions, decided on 08.08.2024, respondent No. 2 had re-assessed the eligibility along with merit of the applicant/petitioner and passed a detailed order on 29.07.2024 rejecting his claim for the reason that he has obtained a certificate issued by Duke Infosys at Baijnath, District Kangra, HP, which is not recognized by any regulatory body/University. As per clause 7 of the Common Recruitment and Promotion Rules for the posts of Junior Office Assistant (Information Technology), class-III (Non-gazetted) Rules, 2014, as applicable to selection of JOA-IT Post Code 556, the minimum educational qualification and other qualifications required for direct recruitment, was as under:-

“Clause 7 (a) ESSENTIAL QUALIFICATION:-

(i) 10+2 from a recognized Board of School Education/University.

(ii) One year Diploma in Computer Science/Computer Application/Information Technology from a recognized University/Institution.

(iii) Computer typing speed of 30 words per minute in English or 25 words per minute in Hindi.

(i) 10+2 from a recognized Board of School Education/University.

(ii) 'O' or 'A' level Diploma from National Institute of Electronics & Information Technology (NIELIT).

(iii) Computer typing speed of 30 words per minute in English or 25 words per minute in Hindi.”

4. A perusal of the criteria stipulated for recruitment as JOA-IT, a candidate must be in possession of 1 year Diploma in Computer Science/Computer Application/Information Technology from a recognized University/Institution. Since the applicant/petitioner was not in possession of the diploma from a recognized institute he was not eligible to be appointed to be considered for the post of JOA-IT and thus his candidature came to be rejected.

5. Learned counsel representing the applicant/petitioner vehemently argued that respondent No. 2 was not required to reassess the eligibility, but only

required to assess the candidature of the applicant/petitioner on the basis of the merit in examination without going into the diploma acquired by him. However, the said contention cannot be accepted for the reason that the appointing authority was not given the direction to only assess the merit of the petitioner. At this juncture, it is relevant to quote the direction passed by this Court in CWP No. 2320 of 2021, which reads as under:-

“2. It is not in dispute that the petitioner does possesses a diploma in Information & Technology. The issue with regard to the act of the respondent-Commission qua the recognition of the Institution, from which the petitioner has obtained his diploma, is no more res integra and the same stands decided by this Court in number of cases, including in CWPOA No. 20 of 2019, titled as Shubham Thakur and others vs. State of Himachal Pradesh and others, decided on 19.03.2021.

3. Accordingly, as agreed, this petition is disposed of with the direction that the judgment passed by this Court in Shubham Thakur’s case supra shall mutatis mutandi apply to this writ petition also and all directions passed in the abovementioned writ petition, shall be construed to have been passed in this writ petition also. In other words, candidature of the petitioner shall be considered by the respondent-Commission strictly in terms of the judgment passed by this Court in Shubham Thakur’s case supra.

4. It goes without saying that the number of posts of Junior Office Assistant (Information Technology) (Post Code 556), which stood advertised by the respondent-Commission in the year 2016, have first to be exhausted by considering the petitioner and other similarly situated persons, and if eligible, by

recommending his name for appointment against the post in issue. It is clarified that the subsequent process, which has been initiated by advertising the post of Junior Office Assistant (Information Technology), by the respondent-Commission, be not taken to its logical conclusion, without first exhausting the number of posts which stood advertised in the year 2016 from amongst the eligible candidates.

The petition stands disposed of in above terms, so also pending miscellaneous application(s), if any."

6. Since there is a reference of the judgment passed in CWPOA No.20 of 2019, titled, ***Shubham Thakur and others vs. State of Himachal Pradesh & others***, on the basis of which, the writ petition preferred by the applicant/petitioner was disposed of, the relevant paras of the said judgment are reproduced as under:-

"12. In the considered view of this Court, even if the contention of the respondent-Commission that it contested the eligibility of the petitioners on the basis of report of the Committee has to be accepted, then also the respondent-Commission was duty bound to have had passed some kind of order in the case of petitioners, holding the qualification possessed by petitioners, to be an invalid qualification. This admittedly was not done. In the absence of the same and further in the absence of any competent authority having held that the Institutions, from which petitioners had obtained the diplomas, were unrecognized or the diplomas of petitioners were unrecognized, the candidature of petitioners could not have arbitrarily rejected, as has been done by the respondent-Commission.

13. In fact, no material has been placed on record by the respondent-Commission to

substantiate that the diplomas possessed by petitioners or the institutions, from which the diplomas have been gained by petitioners, are either bad or not recognized, especially as the respondent-Commission was in possession of the diplomas of the petitioners.

14. In these circumstances, the act of the respondent-Commission of holding the petitioners to be ineligible for consideration to the post in issue, is highly arbitrary.

15. Accordingly, this writ petition is allowed, to the extent that rejection of the candidature of petitioners by respondent-Commission, is held to be bad and respondent-Commission is directed to reassess the candidature of petitioners, for the post in issue on the basis of merit secured by them in the recruitment process. In case, the petitioners are eligible for appointment, then the same be offered to them against unfilled/vacant post, without disturbing the appointed candidates. Petition stands disposed of, so also pending miscellaneous applications, if any. Interim order, if any, stands vacated."

7. A perusal of the direction contained in the judgment passed in favour of the applicant/petitioner reveals that, only a direction was given to first exhaust the number of posts of JOA-IT (Post Code 556) by considering the petitioner and other similarly situate persons, and if eligible, by recommending his name for appointment against the post in issue.

8. Since the applicant/petitioner was not eligible for the reason that diploma acquired by him is not recognized from a university/institution, respondent No.2

has rightly rejected the candidature of the applicant/petitioner.

9. Learned counsel representing the applicant/petitioner vehemently argued that respondent No.2 could not have gone to re-assess the eligibility of the applicant/petitioner. The said contention of the learned counsel is without any basis. A perusal of the direction contained in the judgment dated 22.07.2021 reveals that the Court had held that the petitioner has to be considered, if eligible, not otherwise. Since the applicant/petitioner was not eligible, as has been held while passing a detailed order dated 29.07.2022, the mandate contained in the judgment (execution petition of which was disposed of as per order dated 29.02.2024) has duly been complied with and there is no merit in the application filed by the applicant/petitioner for revival of the execution petition.

10. Consequently, I do not find any merit in the application and the same is accordingly dismissed.

08th October, 2026
(Anurag)

(Jiya Lal Bhardwaj)
Judge