

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.818 of 2025

Date of Decision : 02.07.2026

Sanjeev Sharma and others

..... Appellants

Versus

State of Himachal Pradesh and another

..... Respondents

Coram:

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the appellants : Mr. Surinder Saklani, Advocate.

G.S. Sandhawalia, Chief Justice (Oral)

CMP No.5906 of 2026

The present application has been filed for placing on record Policy dated 20.07.2011 (Annexure P-7). In view of the averments made in the application, the same is allowed, subject to all just exceptions. The Policy dated 20.07.2011 (Annexure P-7) is taken on record. Office to tag the said document at the relevant place. The application stands disposed of.

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2. Consideration sought in the present appeal is to the judgment, passed by the learned Single Judge, in ***CWP No.2396 of 2024***, titled ***Sanjeev Sharma and others vs. State of H.P. and others***, dated

07.08.2025, whereby the learned Single Judge has rejected the case of the petitioners for the services being taken over, as per the notification dated 25.08.1994 (Annexure P-6).

3. Learned Single Judge has recorded that the policy of 1994 has been issued for taking over privately managed colleges in the State (affiliated), including their teaching and non-teaching staff and the said notification has no applicability to the cases of the petitioners, who had been serving in the privately managed schools aided to the extent of 95% by the State Government.

4. It was noticed that the petitioner's services were admittedly taken over under the Policy Guidelines circulated on 20.07.2011 (Annexure P-7) and there were various conditions, where the management was willing to transfer the school along with movable and immovable assets to the State Government. Secondly, where the management was unwilling to handover the school, the services of teaching and non-teaching employees had to be taken over, in view of the receipt of the Grant-in-Aid from the State Government, subject to various terms and conditions.

5. It was noticed that the present appellants had placed on record their affidavits and willingness to be absorbed in the respondents-Education Department and the undertaking as such was also reproduced.

6. Reliance upon the notification dated 04.01.2007 was rejected on the ground that it was pertaining to the teaching and non-

teaching staff of erstwhile DAV College, Daulatpur along-with an attached Senior Secondary School, in terms of notification dated 25.08.1994.

7. The learned Single Judge noticed that the petitioners have placed on record notification issued by the State Government on 05.12.2011, taking over the services of 95% aided staff of several privately managed & 95% aided schools in accordance with the Policy dated 20.07.2011, whereby admittedly, the services of the petitioners-employees of Nehru High School, Kaina, District Shimla and similarly S.D. Senior Secondary School, Solan and Wood Stone High School, Solan, District Solan were taken over. Resultantly, it was held that the contention of the petitioners that their services were required to be taken over under the notification dated 25.08.1994, was without any merit.

8. It is pertinent to notice that the petitioners, as such, were challenging the order dated 12.10.2023 (Annexure P-12), passed by the State, which had been issued only in pursuance to *CWPOA No.7118 of 2019*, titled *Sanjeev Sharma and others vs. State of H.P. and others*, filed before this Court, which was apparently an outcome of *O.A. No.1422 of 2016* originally filed, which after the abolition of the H.P. State Administrative Tribunal, had been transferred to this Court. Thus, apparently after 2012 when the services were taken over, the petitioners were satisfied with the said action and only after a period of four years, they had filed the Original Application before the Tribunal, which is patently barred by limitation, as it is a settled principle that an Original

Application can only be filed within one and a half year from the date of the cause of action.

9. The said CWPOA was then disposed of on 16.09.2023 (Anenxure P-10), wherein as per the mandate of 1994 notification, all consequential benefits had been asked for. The learned Single Judge as such had taken note that the petitioners were arguing that they were covered by judgment passed by this Court, in **CWP No.1008 of 2019** titled **State of Himachal Pradesh and another vs. Pushpa Thakur and others**, decided on 24.08.2021 and the same had been refuted by the counsel for the State.

10. Resultantly, an innocuous order was passed that the representation be decided which revived the said cause of action apparently and led to the passing of the order dated 20.12.2023 (Annexure P-12). The Director of Higher Education, Himachal Pradesh had also noticed that the policies of 1994 is pertaining to the Colleges in the State and both the polices, as such, are different and are not connected with each other and, therefore, had rightly rejected the claim as such.

11. In such circumstances, we are of the considered opinion that the petitioners were bound by the principle of estoppel, also having accepted the taking over in the year, 2012 and not agitating it for a period of four years, they could not have re-agitated for the same on the ground of principle of acquiescence. They have not challenged the policy of 2011 or the order, by which their services were taken over once they were

rendering services when they were employed in the school. Therefore, there is an intent, as such, to gain further benefits of a Policy, which is not even applicable to them, which has been clogging not only the Tribunal but also the files of this Court.

12. Resultantly, we are of the considered opinion that the appeal is absolutely misconceived and deserves to be dismissed with costs. Accordingly, the appeal is dismissed. However, since we are dismissing the present appeal without issuing notice, we do not impose cost.

13. Pending miscellaneous application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

July 02, 2026 (KS)