

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.13692 of 2024
Reserved on: 28.09.2026
Decided on: 30.09.2026
Uploaded on: 30.09.2026

Naveen Chander Bhadwal ... Petitioner

Versus

State of Himachal Pradesh and another ... Respondents

Coram

Hon’ble Mr. Justice Ajay Mohan Goel, Judge.

Hon’ble Mr. Justice Yogesh Jaswal, Judge.

Whether approved for reporting?¹Yes

For the petitioner: Mr. Puneet Gupta, Advocate (through V.C.)
and Karan Veer Singh, Advocate.
For the respondents: Mr. Rajat Chauhan, Assistant Advocate
General.

Ajay Mohan Goel, Judge

By way of this petition, the petitioner has, *inter alia*,
prayed for the following reliefs:-

“(i) Issue an appropriate writ, direction or order especially
in the nature of Certiorari quashing the impugned order
dated 21.10.2024(Annexure P-8) and the tailor-made Rule
8 of the Himachal Pradesh Printing and Stationery
Department Overseer Offset, Group-B (Non-Gazetted)
Non-Ministerial Services, Recruitment and Promotion
Rules, 2024 to the extent the "Educational Qualification"
of Diploma in Offset Printing Technology mandatory for
promotion to the post of Overseer Offset has been deleted
only in order to favour the ineligible persons available in

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

the feeder cadres and to oust the petitioner from the zone of consideration for promotion to the post of Overseer Offset despite the fact the petitioner is the sole eligible and available employee since 06.02.2024 in the feeder cadre who is having the educational qualification of Diploma in Offset Printing Technology as detailed in the petition and the entire action of the respondent Department is absolutely illegal, arbitrary, discriminatory, unjust, illegal, tailor-made, violative of the principles of the natural justice and Articles 14 and 16 of the Constitution of India and also the well settled law laid down by this Hon'ble Court and the Hon'ble Supreme Court of India as detailed in the writ petition;

(ii) Issue an appropriate writ, direction or order especially in the nature of Mandamus directing the official respondents to consider and promote the petitioner as Overseer Offset being the sole eligible employee in the feeder cadre.

iii) grant any other appropriate writ, order or direction as may be deemed just and appropriate in the peculiar facts and circumstances of the instant case;

(iv) exempt the petitioner from filing the certified and typed copies of the annexures and permit the filing of photostat copies thereof;

(v) exempt the petitioner from service of the advance notices upon the respondents.

It is, therefore, respectfully prayed that during the pendency of the captioned petition, the effect and operation of the impugned Himachal Pradesh Printing and Stationery Department Overseer Offset, Group-B

(Non-Gazetted) Non-Ministerial C Services, Recruitment and Promotion Rules, 2024 may kindly be stayed or in the alternative, the respondents be restrained from promoting any ineligible employee from the feeder cadres as Overseer Offset who is not having the education qualification of Diploma in Offset Printing Technology, in the interests of justice, equity, good conscience and fair play”

2. Brief facts necessary for adjudication of this petition are that the petitioner is serving as a Camera Operator in the respondent- Department. According to the petitioner, the post of Camera Operator is the feeder post for promotion to the post of Overseer Offset and in terms of Notification dated 27.07.2010 (Annexure P-4), the post of Overseer Offset has to be filled in 100% by way of promotion, failing which, by direct recruitment on regular basis or on contract. He further submitted that promotion to the post of Overseer Offset is to be made from the feeder categories of Offset Operators/ Camera Operators/Litho Artists having 5 years regular service or regular combined with continuous *ad hoc* service in any grade. As per the petitioner, in Clause-7 of the said Recruitment & Promotion Rules, 2010 (hereinafter referred to as “the 2010 Rules”), minimum educational and other qualifications for direct recruitment were mentioned and further as per Clause-8 thereof, these educational qualifications are also essential for

promotion.

3. The grievance of the petitioner is that in terms of the impugned Notification dated 24.06.2024 (Annexure P-5), the respondents have repealed the 2010 Rules and brought into force the Himachal Pradesh Printing and Stationery Department Overseer Offset Group-C (Non-Gazetted Non-Ministerial Service) Recruitment & Promotion Rules, 2024 ("the 2024 Rules"), in terms whereof, the minimum educational qualifications, which are required in the case of direct recruitment, have been done away with for promotion.

4. Learned Counsel for the petitioner argued that the petitioner was fulfilling the educational qualifications which were prescribed in terms of the 2010 Rules and was also fulfilling the other eligibility criteria to be promoted to the post of Overseer Offset, which post was lying vacant. He argued that as a result of the impugned Notification, the ineligible candidates in the feeder category were made eligible without any rhyme or reason and this act of the respondent-Department is bad in law. Learned counsel argued that there was no rationale in doing away with the educational qualifications, which existed in the 2010 Rules for the purpose of promotion. He submitted that the impugned Notification was tailor-made to promote certain ineligible incumbents, who otherwise would not have been promoted to the post of Overseer Offset for not possessing the requisite educational qualifications in

term of the 2010 Rules. Further, by referring to the reply that has been filed to the petition by the Department, learned Counsel submitted that the reply was completely unsatisfactory and there was no cogent explanation as to why the 2010 Rules were repealed and the 2024 Rules were brought into force.

5. On the other hand, learned Assistant Advocate General submitted that the present writ petition was completely misconceived. He argued that the 2010 Rules were repealed by the Department and the 2024 Rules were brought into force, so as to give a chance to those incumbents who were serving in the feeder categories for promotion to the post of Overseer Offset, but were not possessing the requisite educational qualifications which were prescribed in the 2010 Rules. However, these incumbents had gained enough experience by virtue of their service in the feeder categories so as to render them eligible for promotion to the post of Overseer Offset. He argued that the petitioner has no fundamental right of promotion, there is no arbitrariness or illegality in the 2024 Rules and the same have not been tailor-made for anyone. He submitted that in the reply of the Department, this was specifically and categorically mentioned. He argued that though allegations were made by the petitioner that the Rules were tailor-made to suit certain incumbents, but then none from the feeder categories were impleaded as a party respondent, which rendered the petition as bad

for non-joinder of necessary parties also.

6. Having heard learned counsel for the parties and having perused the pleadings as well as the impugned Notification, we are of the considered view that there is no merit in this writ petition.

7. It is a matter of record that in terms of the 2010 Rules, the essential qualifications prescribed for direct recruitment to the post of Offset Overseer were essential even for the purpose of promotion, however, in terms of the impugned Notification, the 2010 Rules were repealed and the 2024 Rules were brought into force. In terms of the 2024 Rules, though there is a requirement of essential educational qualifications as is mentioned for the purpose of direct recruitment, however, the condition of possession of essential qualifications has been done away with for the purpose of promotion and certain new feeder categories have also been added.

8. A perusal of the reply filed by the respondent-Department demonstrates that this condition was removed, *inter alia*, in light of the fact that the officials, who were there in the feeder categories acquired good experience, knowledge and expertise in their work over a long period of service in the feeder category with the respondents. In light of the fact that there were representations received by the Department concerned, Notification dated 24.06.2024 was issued, in terms whereof, the requirement of educational qualification was done away with for the purpose of

promotion and certain categories which were earlier not included as feeder categories like Photo Type Setter Operators, who did not had any promotional avenues, were also included in the zone of consideration. It is also evident from the reply filed by the Department, as submitted by the learned Assistant Advocate General that the post in question in fact was not vacant and was occupied till July, 2025.

9. It is also a matter of record that the persons, who are likely to be affected in case any relief, as is prayed for by the petitioner, is granted to him, have not been impleaded as party respondents. It cannot be the case of the petitioner that he is not aware as to who all are there eligible now for promotion to the post in issue and thus, there is merit in the contention of the learned Assistant Advocate General that the petition indeed is bad for non-joinder of necessary parties.

10. Be that as it may, the justification which has been given by the State in the reply as to why the 2024 Rules were brought into force is a cogent and valid explanation. The petitioner has failed to substantiate that the impugned Notification was brought into force, as tailor-made to suit some ineligible incumbents, as was alleged before this Court. In fact, no material has been placed before this Court from which such as inference can be drawn.

11. Even otherwise, it is settled law that questions relating

to constitution, pattern, nomenclature, cadres, categories, creation, abolition, prescription of qualification and other conditions of service including avenues of promotion and criteria to be fulfilled for such promotion pertain to the field of Policy and is within the exclusive discretion and jurisdiction of the State, subject of course to the limitation or restrictions envisaged in the Constitution of India. It is not for statutory Tribunals etc. to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its view for that of the State. This has been clearly laid down by the Hon'ble Supreme Court of India in *P.U. Joshi and Others vs. Accountant General, Ahmedabad and Others along with connected matter*, (2003) 2 Supreme Court Cases 632.

12. In the present case, otherwise also, it is not as if on account of the impugned Notification, the right of the petitioner of promotion has been taken away. The petitioner still has the right of promotion and this, of course, will be subject to his overall seniority and fulfillment of the conditions of promotion as and when the post becomes available and the Department of Promotion Committee is constituted.

13. It is settled law that an employee does not have any fundamental right of promotion and the only fundamental right is to be considered for such promotion. Herein, it is not the case of the

petitioner that this fundamental right of his has been breached by ignoring him for promotion to the post in issue, as his only grievance is that by doing away with the qualification criteria for the purpose of promotion, those who were earlier ineligible, have been made eligible for promotion to the post in issue. As observed herein above also, as the same is a Policy decision which was taken by the Department concerned and as it could not be demonstrated before this Court that issuance of impugned Notification dated 27.07.2010 (Annexure P-4) was either an arbitrary act or an act of colorable exercise of power or on account of some malafide, this writ petition being devoid of any merit is dismissed, so also ending miscellaneous application(s), if any.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 30, 2026
(Rishi)