IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 3837 of 2020
Decided on : 22.12.2020

Lalit Mohan and others …Petitioners.

Versus

State of Himachal Pradesh & another ….Respondents.

Coram:

The Hon'ble Mr. Justice Sureshwar Thakur, Judge.
The Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?[1]

For the Petitioners: Mr. Onkar Jairath, Advocate.
For the Respondents: Mr. Ashwani Sharma, Addl.A.G.
(Through Video Conferencing)

Sureshwar Thakur, J (oral)

The writ petitioners belong to the feeder category of group instructors wheretowhich, a, 50% quota is reserved for theirs becoming promoted, as, Principal(s), ITIs' concerned. The writ petitioners were initially promoted through an order borne in Annexure P-6 as Principal, Industrial Training Institute(s) concerned. However, the afore order became withdrawn through an order embodied in Annexure R-3. The reasons for the making of Annexure R-3 is embodied in the factum of the erstwhile H.P Tribunal, upon, M.A No. 867 of 2018 filed in OA No. 3547 of 2016, rather making a direction upon the respondents, direction whereof is extracted hereinafter, wherethrough, a fetter was imposed

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

upon them, to, not finalize the promotion(s) of the aspirants concerned to the promotional post of Principal, ITI, unless leave of the Tribunal is asked for or obtained.

> "...However, process for promotion to the post of Principal ITI's may continue but shall not be finalized without prior approval of this Tribunal, for which the respondents may seek appropriate directions from this Tribunal at the appropriate time."

2. However, the afore order, as, made by the erstwhile Tribunal has extantly become lifeless, or, holds no legal force, in as much as, with the Coordinate Bench of this Court, on, 10.7.2020, upon, CWPOA No. 51 of 2019, alongwith connected matters, making a decision, wherethrough the afore leave became granted to the respondents to consider afresh the claims' of the aspirants concerned, for, theirs becoming promoted to the post of Principal(s), of, ITIs' concerned, (a) whereupon the afore extracted order, as, made by the erstwhile Tribunal, upon, MA No. 867 of 2018, nowat acquires no legal force. Thereupon, the apt sequel thereof is that, the reason(s) assigned in Annexure R-3, in as much, as, the afore order hence made by the erstwhile Tribunal, upon, M.A No. 867 of 2018, continuing, to, fetter the respondents, to consider the claims, of, the group instructors, wheretowhom, a 50% promotional quota is reserved, for theirs being

considered, for, the promotional post of Principal ITIs rather being, a, gross misreading, and, a gross mis-awakening, of the respondents vis-a-vis the verdict supra. In aftermath, the writ petition is allowed, and, the apposite order borne in Annexure P-9 is quashed and set aside, and, the respondent(s) shall, in accordance with the roster points hence fixed for the relevant purpose, forthwith ensure meteings, of, promotion(s), to the writ petitioners from the post of group instructors, to the promotional post, of, Principal(s), ITIs concerned.

All pending applications stand disposed of accordingly.

No costs.

(Sureshwar Thakur),
Judge.

22nd December, 2020
(priti)

(Sandeep Sharma),
Judge.