IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.1783 of 2025

Date of Decision: 28.10.2025

Ashok Kumar & others .…….Petitioners

Versus

State of Himachal Pradesh & another … Respondents

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1]

For the Petitioners: Mr. Sanjeev Bhushan, Senior Advocate with Mr. Sohail Khan, Advocate.

For the Respondents: Mr. Rajan Kahol, Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocate General,

Sandeep Sharma, Judge(oral):

By way of instant petition, petitioners have prayed for following main relief:-

> "***That an appropriate writ, order or directions may kindly be issued and the respondents may kindly be directed to re-designate the petitioners as Lecturers (Physical Education) by further directing them to assign the petitioners seniority in the cadre of Lecturers in the interest of law and justice."***

2. In nutshell, the grouse of the petitioners as has been highlighted in the petition and further canvassed by Mr. Sanjeev Bhushan, learned Senior Counsel representing the petitioners, is that in terms of the mandate contained in the judgment dated 01.12.2022 passed by this Court in CWPOA No.3157 of 2019, titled **HP School DPE Sang vs. State of Himachal Pradesh,** 243 DPEs, who have

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

been granted the scale at par with school Lecturers have been not re-designated as Lecturer Physical Education (School New).

3. Pursuant to the notice issued in the instant proceedings, respondent-State has filed reply on the affidavit of Director School Education, Himachal Pradesh. Mr. Ravi Chauhan, learned Deputy Advocate General, while making this Court peruse afore reply filed at the behest of the respondent-State, states that respondents, while granting scale at par with school Lecturers have also re- designated 243 DPE's as Lecturer Physical Education (School New) and the final seniority list is also prepared, but same has not been published because of pendency of the present petition.

4. Having perused aforesaid reply filed by the respondents vis-à-vis relief sought for in the instant proceedings, there appears to be merit in the contention of learned Deputy Advocate General. At this stage, it would be apt to take note of relevant paras of the reply herein below:-

> "6-7 It is submitted that benefit of Lecturer Scale in eligible DPEs was granted in compliance to the HHC matter passed in CWP (T) No.2114 of 2008. After approval conveyed by the Govt. and further some of the DPE's had also filed 3270/2020 &2744 of 2017 where it was furnished by the Hon'ble Court of Govt. to grant the pay scale at par with Lecturer Schools to applicant/petitioners.
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> It is submitted that H.P. School DEP's of also final the case before HPAT OA No.6930 of 2017 later on transferred to the Hon'ble High Court and re-open as CWPOA No.3157 of 2019 and same was listed before the HCC on 1.12.2022

where the HCC Hon'ble High Court had directed to the department State judgment 1-12-2022.

It is also submitted that in compliance to the judgment dated 01.12.2022 passed by the Hon'ble High Court in CWPOA No. 3157 of 2019, titlted HP School DPE Sang vs. State of HP Govt. has created 486 posts Lecturer Physical Education(SN) vide notification No. EDN-B-KHA(7)-2/2019-I dated 19.07.2024 "**the Government of HP vide notification dated 19.07.2024 has created 486 posts of Lecturer Physical Education (School New) by abolishing equal number of posts of DPE's in the Department of Higher Education."**

Govt. has also notified the R&P Rules of Lecturer Physical Education (School New) vide notification No. EDN-B-KHa (7)-2/2019-I dated 27.07.2024 and as per the R&P Rules of Lecturer, Physical Education (School New) method of recruitment is as under:-

1. 50% by Direct recruitment on regular basis or on contract basis, as the case may be;
2. 50% by promotion.

Therefore, as per R&P Rules of Lecturer Physical Education (School New) 243 posts (50% of strength created) are to be filled by direct recruitment and 243 posts by way of promotion amongst in service DPEs possessing the requisite education qualification.

Accordingly, in compliance to Hon'ble High Court order passed in CWPOA 3157 of 2019, titled **Himachal School DPE Sang vs. State of Himachal Pradesh,** 243 DPEs, who have been granted the scale at par with school Lecturers, have been re-designated as Lecturer Physical Education (School New) and the final seniority list so prepared submitted for the perusal before the HHC vide Directorate letter No. EDN-H(12)B(15) CWPOA No.3157 of 2019 Part-II, dated 13.11.2024. The matter is still subjudice in the Hon'ble High Court."

5. Since it is quite apparent from afore reply filed by the respondents that petitioners, who are working as DPE's have been re-designated as Lecturer Physical Education (School new), nothing remains to be adjudicated in the instant petition and accordingly same is disposed of as having rendered infructuous. Needless to say, order, if any, with regard to re-designation, if not already issued, shall be issued expeditiously, preferably within a period of four weeks. Pending application(s), if any, also stands disposed of.

(Sandeep Sharma),
Judge

October 28, 2025
(shankar)