IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.59 of 2026

Date of Decision: 02.01.2026

Subhash Chand .…….Petitioner

Versus

State of H.P. and Others ….Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? [1]

For the Petitioner: Mr. Jagdish Thakur, Advocate.

For the Respondents: Mr. Rajan Kahol, Additional Advocate General, with Mr. Ravi Chauhan, Deputy Advocate General, for State.

Sandeep Sharma, Judge (oral):

Petitioner herein, who has been promoted from the post of Lecturer (Commerce) to Headmaster and has been posted at GHS Shiladesh, Tehsil Chirgaon, District Shimla, Himachal Pradesh, has approached this Court in the instant proceedings seeking directions to respondents to consider and decide his pending representation (Annexure P-7), whereby he has prayed for change of station on the ground of illness of his son.

2. It is averred in the petition, which is duly supported by affidavit, that minor son of the petitioner is suffering from muscular dystrophy and at present, is under treatment from PGIMER, Chandigarh. Since child of the petitioner is unable to walk, he requires constant care and affection of his father, who otherwise in the event of his posting at new station, may not be available to provide adequate care to his minor

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

child, who at present is studying at GSSS Amroh, District Hamirpur in Class 10+2. Medical documents as well as photographs adduced on record substantiates aforesaid claim put forth at the behest of the petitioner.

3. Having regard to the nature of prayer made in the instant petition and order proposed to be passed, this Court sees no necessity to call for the reply on behalf of the respondents, who are otherwise represented by Mr. Rajan Kahol, learned Additional Advocate General. Mr. Kahol states that petitioner has been sent to Shiladesh on promotion and as such, he cannot have any grouse with regard to the same. He states that prayer made on behalf of the petitioner can only be considered in case he is ready and willing to forego his promotion.

4. Having heard learned counsel representing the parties and perused material available on record, this Court finds that petitioner has been promoted from the post of Lecturer (Commerce) to Headmaster and as such, was necessarily required to be transferred to some other station. Though petitioner herein cannot have any grouse with regard to his transfer from the present place of posting, but his precise case is that he may be given a station from where he can easily take his son to PGIMER, Chandigarh for regular treatment. Since GHS, Shiladesh is a winter school and there are no adequate medical facilities, it may not be possible for petitioner to take his son along with him, who definitely requires constant care and affection of his father. Though in peculiar

facts and circumstances, this Court sees no reason to interfere with the shifting of the petitioner from the present place of posting, but definitely prayer made on his behalf for change of station deserves to be considered by the respondent-department sympathetically.

5. Since petitioner has already approached competent authority by way of representation (Annexure P-7), this Court, without going into the merits of the case, deems it fit to dispose of the present petition, with the direction to respondents to consider and decide the pending representation, as detailed hereinabove, expeditiously, preferably, within a period of ten days sympathetically. Ordered accordingly. Needless to say, authority concerned while doing the needful in terms of instant order, shall afford an opportunity of hearing to the petitioner and pass appropriate order, taking note of medical documents, photographs of minor child, adduced on record as well as Office Memorandum dated 17.09.2015 (Annexure P-8). Till disposal of the representation in terms of instant order, petitioner shall not be compelled to join at the transferred station and no coercive action shall be taken against him in terms of conditions contained in the order dated 10.12.2025 and extension given vide order dated 20.12.2025.

Pending applications, if any, also stand disposed of.

(Sandeep Sharma),
Judge

January 02, 2026
(Rajeev Raturi)