IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA
CWPOA No.6254 of 2020
Decided on: 30th October, 2026

Pravesh Kumar and others **...Petitioners**

Versus

State of H.P. and others **...Respondents**

Coram
Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge
Whether approved for reporting?[1]

For the petitioners:	Mr. Vivek Singh Attri, Advocate.
For the respondents:	Mr. Hemant Kumar Verma, Deputy Advocate General, for respondents No.1 to 3-State.
	Respondents No.4 to 13 ex-parte.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioners by way of present petition have challenged the office orders dated 19.09.2017 (Annexure A-16), 26.09.2017 (Annexure A-18) and 20.09.2018 (Annexure A-20), whereby private respondents No.4 to 13 have been offered appointment as Shastri on batch-wise basis.

2. The precise grievance of the petitioners, as raised in the petition, is that the private respondents who belong to the reserved category have wrongly been adjusted against an unreserved category. The appointment on batch-wise basis would

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[1] *Whether reporters of Local Papers may be allowed to see the judgment?*

make the person eligible for the post from the date of obtaining the degree/certificate of Degree of Shastri. The petitioners obtained their degrees prior to the year 2010 and thus they were to be considered for the post of Shastri as per the roster point system, but respondents No.1 to 3 did not adhere to the said procedure and respondent No.3 offered appointment to the private respondents, in complete violation of the Recruitment and Promotion Rules (in short "R&P Rules") framed for appointment to the post of Shastri. It has also been averred that in the past none of the unreserved General category seats were given to the candidates belonging to the reserved category and thus, appointments of respondents No.4 to 13 be quashed and set aside and respondents-State be directed to give appointment to the petitioners as per the roster point system on batch-wise for the post of Shastri from the date when the private respondents were appointed.

3. Respondents No.1 to 3 filed reply to the petition and in preliminary submissions averred that the selection process for filling up the post of Shastri/Oriental Teacher on batch-wise basis was initiated in the years 2016 and 2017, which was made on the basis of batch-wise seniority and after duly applying reservation

roster. As per the merit list prepared by the Screening Committee in the office of respondent No.3, petitioners No. 1 to 6 appeared in the interview conducted and their batches fell in the years 2006, 2007 and 2008, whereas private respondents i.e. respondents No.4 to 13, fell in the batches of the years 1999, 2002, 2003, 2004 and 2005. Hence, respondent No.3 has given appointment to the private respondents as per their merit of the batch in waiting and recruited on the post sanctioned by the Government after duly applying the reservation roster and in accordance with the R&P Rules prevalent at that relevant time.

4. On merits, it has been averred that Sushil Kumar and Rajinder Dutt, respondents No.4 and 5 respectively, fall under the OBC and OBC(IRDP) categories and they were offered appointment against the unreserved posts by virtue of their own merit. It has further been averred that in general, the candidates who top in merit are given appointment against the unreserved posts, irrespective of the category they belong to in actual. As per the clarification issued by the Government, vide letter dated 12.12.2011, reserved category candidates, who are appointed on their own merit and not owing to reservation will not be adjusted against reserved points and they will be adjusted against

unreserved points. It has further been averred that these instructions further provide that the Scheduled Caste/Scheduled Tribe candidates appointed on their own merit (by direct recruitment or promotion) and adjusted against unreserved points will retain their status of Scheduled Caste/Scheduled Tribe and will be eligible to get the benefit of reservation in future/further promotions, if any.

5. The petitioners did not file rejoinder to the reply to controvert the aforementioned submissions.

6. I have heard the learned counsel for the parties and also perused the record carefully.

7. Once as per the reply filed by the respondents, the petitioners belong to the batch after the batch of private respondents, as specifically mentioned in preliminary submissions, which fact has not been disputed by the petitioners, since they have not controverted the said averments, no illegality has been committed by respondent No.3, while offering appointment to the private respondents.

8. Learned counsel for the petitioners has vehemently argued that respondents No.4 and 5 could not have been adjusted against the seats meant for unreserved category.

However, the said contention cannot be accepted for the reason that since the said respondents were having higher merit than the last candidate selected in the unreserved category, they had to be adjusted against the seats meant for the unreserved category. It is not the case of the petitioners that they had availed any benefit to consider their candidatures under the reserved category and once they have not availed any benefit, it is settled that if the candidate of reserved category scores more marks than the last candidate selected under the General category, he has to be adjusted against the open seat and not against the seat meant for the reserved category, to which he/she belongs.

9. Consequently, I do not find any merit in the present petition and the the same is accordingly dismissed. No order as to costs. Pending applications, if any, also stand disposed of.

30th October, 2026
(ankit)

(Jiya Lal Bhardwaj)
Judge