IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 6871 of 2025

Decided on: 17.11.2026

Asha Rani .....Petitioner

Versus

State of Himachal Pradesh and others ... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

Whether approved for reporting?[1] ***Yes***

For the petitioner	:	M/s Prem Prakash Chauhan, Shikha Rajta and Ayushi Sharma, Advocates.
For the respondents	:	Mr. Sushant Keprate, Additional Advocate General.

Ajay Mohan Goel, Judge *(Oral)*

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

> *"(a) to issue a writ of certiorari or direction in nature thereof, quashing the impugned notification dated 12.09.2023 being Annexure P-2of the writ petition, as unconstitutional, discriminatory, illegal and contrary to the law;*
>
> *(b) to issue a writ of mandamus or any other appropriate writ, order, or direction, directing the respondents to grant the petitioner full pay and allowances for the one-year re-engagement period from 01.02.2024 to 31.01.2025, in*

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

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accordance with the amended guidelines dated 06.02.2025 and pay arrears thereof with interest thereon @ 18% pa.

(c) to issue an appropriate writ, order or direction in nature thereof to give full justice to the petitioners in the circumstances of the case and may pass such further writ, order or orders as this Hon'ble Court may deem fit, proper, just and expedient in the circumstances of the case;"

2. The case of the petitioner is that she was initially appointed as a Junior Basic Teacher (JBT) on 27.06.1988 in the Education Department. She was awarded the Himachal Pradesh State Award for Best Teacher on 05.09.2018 under the State/National Awards to Teachers Scheme while serving as Central Head Teacher at Government Centre Primary School, Kothi, District Kinnaur, HP. She retired from the post of Block Elementary Education Officer, Kalpa, Block Peo., on 31.01.2024.

3. Mr. Prem Prakash Chauhan, learned Counsel for the petitioner submitted that the State Government issued a notification on 12.09.2023 (Annexure P-2), in terms whereof, the National/State Awardee Teachers were given the option to get engaged on fixed emoluments after their retirement and in terms of this notification, vide communication dated 27.01.2024, which is appended at page 12 of the paper book, the petitioner was re-engaged for one year on

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fixed emolument of Rs.20,000/- per month, as per guidelines dated 12.09.2023 and she served as such from 01.02.2024 to 31.01.2025, i.e., for a period of one year after her retirement.

4. As per learned Counsel, thereafter, vide a notification dated 06.02.2025 (Annexure P-3), in supersession of notification dated 12.09.2023, another set of guidelines was issued by the State and in terms thereof, the following was provided:-

> *"1. National Awardee Teachers and State Awardee Teachers shall be granted extensions in service for two years and one year respectively with the prior approval of Minister-in-Charge.*
>
> *2. The National/State Awardee Teachers shall have to exercise this option six months prior to their retirement/superannuation date.*
>
> *3. Upon receiving an extension in service, these teachers shall be liable to be posted anywhere within the state.*
>
> *4. Awardee Teachers who do not opt for an extension in service will receive a one-time fixed cash reward of Rs.60,000 and Rs.40,000 for National Awardee Teachers and State Awardee Teachers respectively. The concerned Drawing and Disbursing Officer (DDO) is authorized to draw and disburse the cash reward in favor of awardee teachers during their last month of service.*

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These guidelines shall be effective from the date of issuance of this notification."

5. Learned Counsel for the petitioner argued that the petitioner and other persons, who retired between 12.09.2023 and 06.02.2025, i.e., the date on which Annexure P-2 was issued and Annexure P-3, i.e., notification dated 06.02.2025 was issued, stood deprived of the benefit of regular salary and allowances during the period of re-engagement of one year and this act of the respondents, was bad in law.

6. Learned Counsel further argued that the extension given to the petitioner was on a fixed salary of Rs.20,000/- per month, whereas in terms of notification dated 06.02.2025, the teachers who were subsequently given extension, i.e., the teachers who were National Awardee Teachers or State Awardee Teachers, were permitted full salary, benefits and allowances and therefore as notification Annexure P-2, dated 12.09.2023, was discriminatory, the Court may declare the same to be bad in law and issue a mandamus to the respondents to grant the petitioner full pay and allowances for the period of one year re-engagement with effect from 01.02.2024 to 31.01.2025.

7. On the other hand, learned Additional Advocate General drew the attention of the Court to the reply filed by the State and

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submitted that the petitioner herein was conferred the State Award on 05.09.2018 and on the basis of a representation made by her dated 04.04.2023, she was granted extension of one year of service by way of re-engagement in terms of the guidelines/instructions dated 12.09.2023, which were in force at the relevant time. He submitted that the petitioner was not discriminated vis-à-vis anyone in terms of the notification, which was in force when she superannuated and she was given re-engagement/extension of one year strictly in terms of the notification dated 12.09.2023, which was never objected to or complained of by the petitioner during the period of her extension.

8. Learned Additional Advocate General further submitted that as far as Annexure P-3 is concerned, the same was issued on 06.02.2025, i.e., after the petitioner had retired even after putting in one year of extended service. He submitted that Annexure P-3 clearly stipulates that the same was prospective in nature and therefore, the benefit of this notification was to befall upon the persons, who were to superannuate after this notification stood issued. Learned Additional Advocate General thus submitted that as no vested right of the petitioner stood infringed, nor was the petitioner discriminated against as was alleged by her, the present petition, being devoid of

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any merit, is liable to be dismissed.

9. Having heard learned Counsel for the petitioner as well as learned Additional Advocate General, we are of the considered view that there is no merit in this writ petition.

10. The petitioner was to superannuate on attaining the age of 58 years on 31.01.2024. In light of the fact that she was awarded State Teachers Award in the year 2018, upon her representation for conferment of benefit of re-engagement in terms of notification dated 12.09.2023, the respondent-Department granted extension of one year of service to the petitioner by way of re-engagement vide communication dated 27.01.2024 (page 12 of the paper book) and this was in terms of the guidelines/instructions dated 12.09.2023.

11. It is the admitted case of the petitioner that thereafter she served for one year on re-engagement and was paid the emoluments in terms of Annexure P-2 dated 12.09.2023.

12. That being the case, as the right of re-engagement accrued upon the petitioner in terms of notification dated 12.09.2023 and as it is not her case that the benefits of said notification were not conferred upon her in letter and spirit, her writ petition is completely misconceived.

13. The prayer of the petitioner seeking quashing of

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Annexure P-2 is totally unwarranted and uncalled for, nor does this Court find any merit in the contention raised by the petitioner that employees performing similar duties are entitled for equal pay for equal work.

14. In the present case, the petitioner was to superannuate on attaining the age of 58 years as on 31.01.2024 and her re-engagement for one year was by virtue of notification dated 12.09.2023. That being the case, having taken advantage of this notification for one complete year, the petitioner has no locus to seek the quashing thereof.

15. Not only this, the notification, benefit of which is being claimed by the petitioner, was issued on 06.02.2025, i.e., after her tenure of one year of re-employment had come to an end. In other words, it is not as if notification Annexure P-3 was issued during the period of re-engagement of the petitioner. It was issued on 06.02.2025, whereas the services of the petitioner came to an end after the expiry of one year of re-engagement on 31.01.2025. This is not in dispute.

16. Further, notification dated 06.02.2025 provides that said guidelines shall be effective from the date of issuance of the said notification. We do not find any challenge to the said condition of the

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notification in the petition, nor is there any prayer in the writ petition that a direction be issued that guidelines dated 06.02.2025 be applied retrospectively.

17. In fact, the petitioner refers to notification dated 06.02.2025 as amended guidelines, whereas these are not amended guidelines. In terms of notification dated 06.02.2025, fresh guidelines were introduced by the Government in supersession of its earlier notification.

18. As observed herein above also, as on the date when notification dated 06.02.2025 was issued, the petitioner was no more in service and even her term of one year of re-engagement had come to an end prior to the issuance of notification dated 06.02.2025.

Therefore, in the light of the above discussions, as this writ petition is completely misconceived and further as the petitioner is not entitled for the relief, as has been claimed in this writ petition, the same is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

November 17, 2026
(*narender*)