IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 3955 of 2015

Decided on: 25.04.2026

Ms. Suman Devi … Petitioner

Versus

State of H.P. and others … Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?[1] *Yes*

For the petitioner	:	Ms. Kamlesh Shandil, Advocate.
For the respondents	:	Mr. Pushpender Jaswal, Additional Advocate General.

Ajay Mohan Goel, Judge *(Oral)*

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

> *"(a) That the respondent may kindly be directed to give the re-appointment to the petitioner as PTA teacher Lec. Chemistry in the school in question as the post is lying vacant since 2014."*

2. The petitioner was appointed as a Chemistry Lecturer by the Parents Teachers Association of GSSS Beacher Ka Bag, District Sirmaur, HP, on 01.06.2006. She continued to serve as such till February, 2008, when her services were terminated on joining of a regular incumbent. According to the petitioner, the regular incumbent, who was posted in the said school as Chemistry teacher

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

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was transferred to another school and post was lying vacant since 2014. On these basis, the petitioner prayed for the reliefs, already enumerated hereinabove.

3. Learned Counsel for the petitioner submitted that there was a notification brought into force by the Government on 23.02.2013, in terms whereof, services of those PTA Teachers were to be re-engaged, whose services were disengaged on account of joining of a regular/contractual incumbent. She submitted that as in the present case, services of the petitioner were disengaged on account of the joining of a regular incumbent, she was squarely covered by the said notification and therefore, a mandamus be issued to the respondents to offer her appointment against the post in issue.

4. On the other hand, learned Additional Advocate General referred to the reply filed by the respondents and submitted that in terms of the notification being relied upon by learned Counsel for the petitioner, the services of only those teachers were to be re-engaged, who were appointed under the GIA to PTA Rules 2006. Learned Additional Advocate General submitted that the GIA to PTA Rules were notified on 29.06.2006, whereas the petitioner stood engaged on 01.06.2006, i.e. before the date of the notification of the said Rules. He accordingly submitted that as the petitioner was not

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appointed under the GIA to PTA Rules, 2006, therefore, she is not entitled to the benefit of said notification.

5. I have heard learned Counsel for the parties and have also carefully gone through the pleadings as well as documents appended therewith.

6. The facts not in dispute are that the petitioner was engaged by the PTA as a Chemistry Lecturer on 01.06.2006 and her services were disengaged on 15.02.2008.

7. The instructions dated 23.02.2013, issued by the respondent-State, upon which, reliance is being placed by learned Counsel for the petitioner have been placed on record as Annexure P-3. A perusal of these instructions demonstrates that in terms thereof, services of all those PTA provided Teachers under GIA to PTA Rules, 2006, whose services were discontinued due to new appointment or by way of transfers and were found eligible by the Committees constituted by the Government, will be re-engaged by the PTA concerned. Thus, the condition precedent for being eligible to be considered for re-engagement under these instructions was that the incumbent ought to have been appointed under the GIA to PTA Rules, 2006.

8. It is not in dispute that the PTA Rules were notified on 29.06.2006 and they were rescinded on 03.01.2008. Thus, benefit of

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re-engagement could only be granted to only those teachers, who were engaged after 29.06.2006 and before 03.01.2008 in accordance with GIA to PTA Rules, 2006.

9. In the present case, as the petitioner stood appointed before the GIA to PTA Rules, 2006 came into force, obviously, her appointment was not under the said Rules. Therefore, but natural, she is not protected by the instructions issued by the Government on 23.02.2013. Thus, in this backdrop, the relief being prayed for by the petitioner cannot be granted to her for the reason that as her appointment was not in terms of GIA to PTA Rules, 2006, which were notified on 29.06.2006, she cannot claim re-engagement in terms of Annexure P-4, dated 23.02.2013.

In light of above discussion, as this Court does not find any merit in this petition, the same is accordingly dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

April 25, 2026
(*narender*)