IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.9162 of 2013

Decided on: 31.10.2026

Pawana Devi **.....Petitioner**

Versus

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

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. Sakndh Sharma, Advocate.

For the Respondents: Mr. Y.P.S.Dhaulta, Additional Advocate General for respondents No. 1 to 3.

None for respondent No.4.

Jyotsna Rewal Dua, Judge

Heard and considered the case file.

2. The petition revolves around selection and appointment to the post of Part-Time Water Carrier (PTWC)/ Sweeper in Government High School, Jadrangal, Tehsil Dharamshala, District Kangra. The sole argument advanced by learned counsel for the petitioner is that petitioner being a widow belonging to below poverty line family deserved to be appointed under Clause 12 of the

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[1]**Whether reporters of print and electronic media may be allowed to see the order? Yes.**

Scheme for appointment of Part-Time Water Carriers circulated by the State of Himachal Pradesh vide notification dated 25.07.2011; That name of the petitioner had been recommended by the concerned Deputy Director for her appointment as PTWC under Clause 12 of the Scheme vide office letter dated 12.06.2013, yet the official respondents had approved the appointment of respondent No. 4 as PTWC in GHS Jadrangal under Clause 12 of the Scheme. That petitioner had better claim than respondent No. 4 under the aforesaid Clause.

Learned counsel for the petitioner submitted that due to filing of this writ petition, the respondents did not appoint either the petitioner or respondent No. 4 as PTWC in the school in question under Clause 12 of the Scheme.

3. Given the above factual position that neither the petitioner nor respondent No. 4 have been appointed as PTWC in the school in question invoking Clause 12 of the Scheme, the relief prayed for by the petitioner cannot be granted to her at this stage. This is in light of Clause 12 of

Part-Time Water Carrier policy having been struck down in ***Mangla Devi versus State of HP and others***[2]:-

> *"7. For reiteration, in the event of an advertisement having been issued by the respondents/State on the occurrence of a vacancy of a part time water carrier, she may have applied alongwith the respondent No.6 for the post aforesaid empowering the department concerned alongwith respondent No.6 to assess hers as well as the comparative merit of the respondent No.6 besides of other applicants whose applications may have been solicited through wide publicity. In sequel, the omissions aforesaid having throttled through a depreciable mechanism besides suffocated inasmuch, as ousted the petitioner from participating alongwith respondent No.6 besides other candidates in a fair, non-arbitrary and non discriminatory process of selection through assessment of their interse comparative merits, hence they cannot come to be countenanced. Consequently, the writ petition is allowed and the selection and appointment of respondent No. 6 is quashed and set-aside. Moreover, Rule 12, as extracted hereinabove, is struck down."*

4. In view of above, the writ petition being devoid of any merit as on date, is dismissed.

Pending miscellaneous application(s), if any, also to stand disposed of.

Jyotsna Rewal Dua
Judge

October 31, 2026
R.Atal

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[2] Latest HLJ 2015 HP 902