IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

LPA No. 126 of 2026
Decided on : 26.10.2026

Inder Singh

…Appellant

Versus

State of Himachal Pradesh and others

…Respondents

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

For the appellant	**:**	Ms. Kiran Kanwar, Advocate.
For the respondents	**:**	Mr. Rakesh Dhaulta, Additional Advocate General, for respondents No.1 to 4.

G.S. Sandhawalia, Chief Justice *(Oral)*

The present Letters Patent Appeal is directed against the judgment passed by the learned Single Judge in ***Civil Writ Petition No. 1831 of 2018,*** titled ***Shri Inder Singh Vs. State of Himachal Pradesh and others,*** on 19.07.2024.

2. Learned Single Judge came to the conclusion that there was no justification why the writ petitioner/appellant remained quite for a period of eight years

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

and, therefore, as the oral termination, which was the subject matter of challenge, was of the year 2010 and the writ petition was filed in the year 2018 and thus the learned Single Judge dismissed the writ petition on the ground of delays and laches.

3. We have gone through the writ petition, whereby the only averment was made that the writ petitioner was a poor person and was not able to pay the Counsel's fee and in the month of November, 2017, he had visited Shimla to pursue his case, but on account of his poor financial condition, he could not engage a Counsel. In the year 2018, he had consulted Legal Aid Services Committee and moved an application on 16.07.2018 for providing him a Legal Aid Counsel. As per letter dated 19.07.2018 (Annexure P-7), Legal Aid Counsel was appointed by the Secretary, H.P. High Court Legal Services Committee.

4. Perusal of the writ petition would also go on to show that challenge as such, was to the oral termination made in May, 2010 and to allow the petitioner to perform the duty of the Drawing Master (DM) Teacher against the vacant post in Government Middle School, Indoli, under complex

Government Senior Secondary School, Kaffota, P.O Dugana, Tehsil Paonta Sahib, District Sirmaur, Himachal Pradesh. The appointment of the petitioner was on the basis of a Resolution passed by the Parent Teacher Association, on account of no regular teacher being available in the School since 2007.

5. As per the averments, period of service of the petitioner was only from 03.12.2009 till May, 2010. Oral termination was stated to have been done by the Headmaster of the said School in May, 2010 and it is apparent that the petitioner made no effort as such, to approach the Court and file a writ petition seeking a remedy at an earlier point of time even by way of Legal Aid Counsel as such.

6. In such circumstances, we are of the considered opinion that at this stage, it would not be permissible for us to condone the inordinate delay in filing the writ petition. The petitioner had engaged a Counsel through the Legal Aid Services after a period of eight years. The same recourse could have been adopted at an earlier point of time. Having not done so, the challenge to the termination after a period

of eight years, has rightly been negated by the learned Single Judge.

7. It is a settled principle that there is a limitation prescribed for even setting aside a voidable order and it does not lie in the mouth of the appellant as such, to challenge the order at his own convenience.

8. In such circumstances, keeping in view the peculiar facts and circumstances of the case and the nature of appointment by the Parent Teacher Association, we are of the considered opinion that the reasoning given by the learned Single Judge does not suffer from any infirmity, which warrants interference.

9. Accordingly, the present Letters Patent Appeal is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Jiya Lal Bhardwaj)
Judge

October 26, 2026
(Shivank Thakur)