IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

COPC No.1221 of 2025

Date of Decision: 01.10.2026

Anil Kumar & others .…….Petitioners

Versus

Rakesh Kanwar & another … Respondents

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1]

For the Petitioners: Mr. Kush Sharma, Advocate.

For the Respondents: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocate Generals.

Sandeep Sharma, Judge(oral):

In terms of order 07.09.2026, Director School Education, Himachal Pradesh has filed affidavit, perusal whereof clearly reveals that pursuant to the directions contained in judgment alleged to have been violated, petitioners have been regularized w.e.f. 01.04.2018 vide order dated 08.12.2023(Annexure P-2), but issue with regard to seniority and promotion is still to be decided. It is specifically stated in the reply/affidavit that as per judgment passed by Hon'ble Apex Court in ***Taj Mohammad's case***, seniority is to be allowed from initial date of appointment on contract basis, as a result thereof, all seniority lists and promotions made earlier including promotions made on 21.08.2025 are required to be reviewed. Similarly, seniority list finalized in respect of petitioners and the incumbents promoted vide order dated 21.08.2025 has to be reviewed and only eligible

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

candidates will be allowed the benefit of promotional post and no disparity will be made.

2. Once services of the petitioners have been regularized from due date, as was ordered by Division Bench of this Court, coupled with the fact that undertaking vide affidavit 29.09.2026 has been given to this Court that no disparity will be made in promotion, rather same shall be given strictly as per seniority list, there appears to be no justification to keep the present petition alive and accordingly, same is disposed of, with a directions to the respondents to ensure that petitioners herein are not only accorded due seniority, but they are also granted promotions as per their seniority within a period of four months, as has been undertaken by the respondents before Hon'ble Apex Court. Needless to say, issue with regard to promotion, if any, given to the person junior to the petitioners shall also be taken into consideration, while reviewing the seniority list. Liberty is reserved to petitioners to get this petition revived in case needful is not done in accordance with judgment alleged to have been violated, enabling this Court to take appropriate action in accordance with law against erring officials.

(Sandeep Sharma),
Judge

October 01,2026
(shankar)