IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.18652 of 2026
Decided on: 05.11.2026

Rakesh Kumar ....Petitioner

Versus

Union of India & Ors . ...Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

[1] *Whether approved for reporting?*

For the petitioner: Mr. Yogesh K Chandel, Advocate.

For the respondents: Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajiv Sharma, Advocate.

Jyotsna Rewal Dua, Judge

This writ petition has been filed for grant of following substantive reliefs:-

> *"i. That the impugned employment notice published on dated 25-09-2026 i.e. Annexure P-2 whereby the respondent no. 3 is going to fill up the post of Dental Technician at ECHS Polyclinic-Hamirpur (which is already occupied by the petitioner w.e.f. 03-10-2023 till date) by another set of contractual appointees may kindly be set aside and quashed. Any subsequent action of respondents as per annexure P-2 if any may also be quashed and set aside.*

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[1] *Whether reporters of Local Papers may be allowed to see the judgment? Yes*

ii) That respondents may kindly be directed to permit the petitioner to discharge his duty as Dental Technician at ECHS Polyclinic-Hamirpur till the disposal of the SLP(c) 36359/2016 titled Sonu Kumar vs. UOI and other which is pending adjudication before the Apex Court.

iii) That the similar relief as was given by this Hon'ble Court to similarly situated petitioner as per annexure P-4 to P-6 may kindly be granted to the petitioner."

2. The gist of petitioner's case and the issues involved were noticed in the following order passed on 15.10.2026, whereby interim relief was granted to the petitioner:-

"Notice. Mr. Balram Sharma, learned Deputy Solicitor General of India, accepts service of notice on behalf of the respondents.

2. Petitioner is presently serving as Dental Technician ECHS Polyclinic Hamirpur, District Hamirpur, H.P., where he had joined on 03.10.2023. His grievance is to Annexure P-2, whereby the respondents have issued employment notice for filling up certain posts at ECHS Polyclinics Hamirpur, District Hamirpur on contract basis for a period of one year/renewable for further period of one year. Post of Dental Technician held by the petitioner is also part of aforesaid employment notice.

3. Learned counsel for the parties submit that similar issue, as is involved in the instant petition, is pending before the Hon'ble Apex Court in SLP(C) No.36359 of 2016; That various similar matters have been disposed of by this Court by directing that such petitions would abide by the decision of SLP(C) No.36359 of 2016; That in most of such matters, there is interim protection in favour of the similarly situated petitioners.

4. In view of above, respondents shall maintain status quo

qua the petitioner and the respondents shall not proceed ahead in filling up the post held by the petitioner under employment notice Annexure P-2, till further orders.

Reply be filed within 10 days, as prayed for. List on 05.11.2026"

3. Facts pleaded by the petitioner have not been disputed. It is an admitted position that petitioner was manning the post in question on contractual basis, when the said post was advertised by the respondents afresh to be filled up again on contractual basis. Respondents have also not disputed that the issue involved in the instant petition, is pending before the Hon'ble Apex Court in Special Leave Petition(C) No. 36359/2016 (***Sonu Kumar Vs UOI),*** wherein interim protection has been granted in favour of the petitioner therein, who was similarly situated to the present petitioner.

4. In view of above, this writ petition is disposed of with direction that petitioner's continuation on the post in question shall abide by the result of the aforesaid Special Leave Petition.

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

Jyotsna Rewal Dua
Judge

November 05, 2026
R.Atal