**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

CWP No. 19156/2026
Decided on: 30.10.2026

Rohit Sharma .....Petitioner

Versus

State of H.P. & Ors. ....Respondents.

Coram
Ms. Justice Jyotsna Rewal Dua, Judge.
Whether approved for reporting?[1]

For the petitioner: **Mr. Bhanu Verma, Advocate.**

For the respondents: **Mr. L.N. Sharma, Additional Advocate General, for respondents No.1 & 3.**

Mr. Vishwajeet Singh, Advocate, for respondent No.2.

Jyotsna Rewal Dua, J

The case set up by the petitioner is that an advertisement was published by respondent No. 2 for 312 posts of Teacher (Mathematics) for CBSE-affiliated Government Schools under Post Code 26003. Out of these, 50 posts were meant to be filled up from amongst candidates belonging to the Other Backward Classes (OBC) (UR) category. The petitioner participated in the recruitment process against the posts reserved for OBC (UR) category candidates. The result was declared on 25.05.2026. The petitioner claims that, in response to his

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

application under the Right to Information Act (RTI), the respondent-Education Department supplied the information that it had requisitioned names for filling up four posts of OBC (UR) category candidates on account of the non-joining of the selected candidates pursuant to their selection/appointment. As against this, respondent No. 2 had recommended the names of only two candidates. Learned counsel submits that the petitioner, being third in the overall waiting list, was thus wrongly denied the opportunity of being appointed to the post in question. According to the petitioner, once the department had requisitioned the names of four candidates from the waiting list, it was incumbent upon respondent No. 2 to have recommended the names accordingly. Instead, respondent No. 2 recommended only two names, thereby causing injustice to the petitioner.

2. Pursuant to the order passed in this writ petition on 27.10.2026, noticing the grievance of the petitioner that respondent No. 2 had recommended lesser number of candidates than requisitioned by respondent No. 3, learned counsel for respondent No. 2 has placed on record detailed office instructions dated 28.10.2026 from the Secretary, Himachal Pradesh Rajya Chayan Aayog Hamirpur, and submits that the aforesaid instructions be treated as the stand of respondent No. 2 in the writ petition.

3. In terms of the aforesaid office instructions dated 28.10.2026: - 50 posts were advertised for candidates belonging to the OBC (UR) category. Selections were made against all these posts and all

these 50 posts were filled up. However, out of the 50 selected & recommended candidates, only 48 candidates joined as such; Two candidates selected and recommended for appointment under the OBC (UR) category did not join; Thus, there were only two vacancies, hence, the requisition made by the respondent-Education Department to respondent No. 2 for recommending four names from the OBC (UR) waiting list was not in order, as there were only two resultant vacancies. The department had wrongly construed the existence of four vacancies in the OBC (UR) category. In accordance with law, respondent No. 2 sent the names of the next two candidates belonging to the OBC (UR) category from the waiting list.

4. In view of above factual position, the requisition made by the respondent-Education Department to respondent No. 2 for sending/recommending four names belonging to the OBC (UR) category from the waiting list, on the assumption that four posts were available for filling up on account of the non-joining of the recommended candidates, was misconceived, as 48 candidates belonging to the OBC (UR) category had already joined. Respondent No.2 had justly recommended two names of candidates belonging to OBC (UR) category from the waiting list. Admittedly petitioner figures at serial No.3 of the waiting list of this category. This being the factual position, petitioner's claim for recommendation of his name from waiting list cannot be accepted. In view of stand taken by respondent No.2, as of now recommendations stand

made for all 50 posts advertised for the OBC (UR) category in order of merit. No other point was urged.

The writ petition is therefore dismissed. Pending miscellaneous applications, if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

30th October, 2026(rohit)