IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 19158/2026
Decided on: 30.10.2026

Virender Singh .....Petitioner

Versus

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

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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, 40 posts were meant to be filled up from amongst candidates belonging to the General (EWS) category. The petitioner participated in the recruitment process against the posts reserved for General (EWS) category candidates. The result was declared on 25.05.2026. The petitioner claims that, in response to his application under the Right to Information Act (RTI), the respondent-Education Department supplied the information that it had requisitioned names for filling up three posts of General (EWS) category candidates on account of

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

the non-joining of the selected candidates pursuant to their selection/appointment. As against this, respondent No. 2 had recommended the name of only one candidate. 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 three candidates from the waiting list, it was incumbent upon respondent No. 2 to have recommended the names accordingly. Instead, respondent No. 2 recommended only one name, 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: - 40 posts were advertised for candidates belonging to the General (EWS) category. Selections were made against all these posts and all these 40 posts were filled up. However, out of the 40 selected & recommended candidates, only 39 candidates joined as such; One candidate selected and recommended for appointment under the General

(EWS) category did not join; Thus, there were only one vacancy, hence, the requisition made by the respondent-Education Department to respondent No. 2 for recommending three names from the General (EWS) category waiting list was not in order, as there was only one resultant vacancy. The department had wrongly construed the existence of three vacancies in the General (EWS) category. In accordance with law, respondent No. 2 sent the name of the next candidate belonging to the General (EWS) 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 three names belonging to the General (EWS) category from the waiting list, on the assumption that three posts were available for filling up on account of the non-joining of the recommended candidates, was misconceived, as 39 candidates belonging to the General (EWS) category had already joined. Respondent No.2 had justly recommended name of one candidate belonging to General (EWS) 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 40 posts advertised for the General (EWS) 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)