

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

ON THE 30<sup>th</sup> DAY OF SEPTEMBER, 2022

BEFORE

HON'BLE MS. JUSTICE SABINA  
&  
HON'BLE MR. JUSTICE SUSHIL KUKREJA

CIVIL WRIT PETITION No.4690 of 2022

Between:-

AJAY KUMAR, S/O SH. OM PRAKASH,  
R/O VILLAGE DAUNG, P.O. CHANDI,  
TEHSIL KASAUJI, DISTRICT SOLAN,  
H.P., AGED ABOUT 32 YEARS,  
OCCUPATION UNEMPLOYED.

.....PETITIONER

(BY MR. A.K. SHARMA, ADVOCATE)

AND

1. STATE OF H.P. THROUGH ITS  
PRINCIPAL SECRETARY EDUCATION,  
SHIMLA-2, H.P.
2. THE DIRECTOR ELEMENTARY  
EDUCATION, SOLAN, H.P
3. SUB DIVISIONAL OFFICER (CIVIL)  
TEHSIL KASAUJI, DISTRICT SOLAN,  
H.P.
4. BLOCK ELEMENTARY EDUCATION  
OFFICER PATTI-MEHLOG, TEHSIL  
KASAUJI, DISTRICT SOLAN, H.P.
5. PRESIDENT OF THE SCHOOL  
MANAGEMENT PATTI-MEHLOG,  
TEHSIL KASAUJI, DISTRICT SOLAN,  
H.P.
6. NIRMALA DEVI, W/O SH. DEV RAJ,  
VILLAGE TIKKAR-JABAL, P.O. PATTI

MEHLOG, TEHSIL KASAULI,  
DISTRICT SOLAN, H.P.

.....RESPONDENTS

(MR. ANIL JASWAL, ADDITIONAL  
ADVOCATE GENERAL, FOR R-1 TO 4

MR. ABHINAV CHOPRA, ADVOCATE ON  
BEHALF OF MR. O.C. SHARMA,  
ADVOCATE FOR R-6)

*This petition coming on for orders this day, **Hon'ble Ms. Justice Sabina**, passed the following:*

### **ORDER**

Petitioner has filed the petition under Article 226 of the Constitution of India, seeking following substantive relief(s):-

- "i). That the result declared by the respondents may kindly be declared null and void since the same violates the policy itself and the petitioner may also be declared as successful candidate and he may be given the appointment after issuance of fresh result on the basis of the genuineness of the documents;*
- ii) That the appointment letter vide Annexure P-6, issued to respondent No.6, may kindly be quashed and set aside."*

2. Learned counsel for the petitioner has submitted that now vide Addendum dated 25<sup>th</sup> August, 2022, Rule 19 has been added to the Policy and as per the said Rule, appeal can be filed before the Additional District Magistrate (ADM) of the District within 15 days of the selection/appointment. In the present case, the result was declared in the

month of June, 2022. Hence, the petitioner would not be able to avail the benefit of newly added Rule-19. Learned counsel has further submitted that the petitioner will approach the Additional District Magistrate, Solan, H.P., by way of an appeal within 15 days from today and the same should not be rejected by the competent authority on the ground that it is time barred as the Rule 19 has been incorporated on 25<sup>th</sup> August, 2022.

**3.** Rule-19, provide vide Addendum dated 25<sup>th</sup> August, 2022, reads as under:-

**“ADDENDUM**

In partial modification of this Department's Notification No.EDN-C-B(1)2/2019 dated 16<sup>th</sup> July, 2020 (as updated upto 11<sup>th</sup> March, 2022) the Governor, Himachal Pradesh is pleased to add “Rule-19 Appellate Authority” in the Part Time Multi Task Workers Policy, 2020, as under:-

**19. Appellate Authority:**

*The appeal in respect of complaints relating to PTMTW selection/appointment etc. should be made to the Additional District Magistrate (ADM) of the District within 15 days of the selection/appointment. The appeal will be considered by the Additional District Magistrate (ADM) of the District and disposed off within 30 days from its receipt with suitable directions. If the complainant is not satisfied with the outcome, then he/she may file an appeal with the Director of Higher/Elementary Education, as the case may be, within 15 days from the decision of the Additional District Magistrate (ADM). The appellate authority may dispose off the appeal within 60 days after hearing the appellant.*

*By Order  
Devesh Kumar, IAS  
Pr. Secretary (Education) to the  
Government of Himachal Pradesh.”*

4. Keeping in view the submissions made by learned counsel for the petitioner, we deem it appropriate to dispose of the writ petition by permitting the petitioner to approach Additional District Magistrate, Solan, H.P., by way of an appeal within 15 days from today and the said authority will dispose of the appeal in terms of Rule 19, provided vide Addendum dated 25<sup>th</sup> August, 2022.

5. It is clarified that the appeal filed by the petitioner would not be rejected on the ground of delay, but would be disposed of on merits.

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

**( Sabina )  
Judge**

**( Sushil Kukreja )  
Judge**

**September 30, 2022**  
(reena)