

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

ON THE 30th DAY OF SEPTEMBER, 2022

BEFORE

HON'BLE MS. JUSTICE SABINA

&

HON'BLE MR. JUSTICE SUSHIL KUKREJA

CIVIL WRIT PETITION No. 4909 of 2022

Between:-

**HET RAM S/O SHRI KALI RAM, AGED
ABOUT 42 YEARS, RESIDENT OF
VILLAGE AHNOG, POST OFFICE MALAT,
TEHSIL KUPVI, DISTRICT SHIMLA, H.P.
DISTRICT SHIMLA, H.P.**

....PETITIONER

(BY MR. SANDEEP PANDEY, ADVOCATE)

AND

- 1. THE STATE OF HIMACHAL PRADESH
THROUGH ITS PRINCIPAL SECRETARY
(EDUCATION), TO THE GOVERNMENT
OF HIMACHAL PRADESH.**
- 2. DIRECTOR ELEMENTARY,
EDUCATION, HIMACHAL
PRADESH, LALPANI, SHIMLA, H.P.**
- 3. SUB DIVISIONAL OFFICER (CIVIL)-CUM-
CHAIRMAN, PTMTW SELECTION
COMMITTEE, CHOPAL, DISTRICT
SHIMLA, H.P.**
- 4. BLOCK ELEMENTARY EDUCATION
OFFICER, EDUCATION BLOCK KUPVI,
TEHSIL KUPVI, DISTRICT SHIMLA, H.P.**

5. KUMARI ANJNA WIFE OF SHRI TULSI RAM, RESIDENT OF VILLAGE AHNOG, POST OFFICE MALAT, TEHSIL KUPVI, DISTRICT SHIMLA, H.P.

....RESPONDENTS

(MR. ASHWANI SHARMA, ADDITIONAL ADVOCATE GENERAL, FOR R-1 TO R-4)

This petition coming on for admission 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 reliefs:-

“(i) That a writ of certiorari may very kindly issued, whereby the impugned Office Order dated 19.07.2022, Annexure P-3, issued by respondent No.4, may kindly be quashed and set aside, qua the private respondent No.5, who has been selected/appointed by the respondent No.4 in GPS Ahnog and GMS Ahnog, Tehsil Kupvi, District Shimla, H.P.

(ii) That writ in the nature of mandamus may kindly be issued, whereby directing the respondent department to consider the case of the petitioner to the post of Part Time Multi Task Worker (PTMTW) in Government Primary School Ahnog, Education Block Kupvi, District Shimla, H.P.”

2. Learned counsel for the petitioner has submitted that now vide Addendum dated 25th 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 on

18th July, 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 (ADM), Shimla, District Shimla, 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 25th August, 2022.

3. Rule-19, provided vide Addendum dated 25th August, 2022, reads as under:-

“ADDENDUM

In partial modification of this Department's Notification No. EDN-C-B(1)2/2019 dated 16th July, 2020 (as updated upto 11th 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 (ADM), Shimla, District Shimla, 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 25th 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
(ravinder)