

Tilak Raj Vs. State of HP and others

CMP No. 1750 of 2026 in CWP No. 1269 of 2026

Reserved on: 16.1.2026

23.1.2026 Present: Mr Sunil Kumar Banyal, Advocate, for the petitioner.

Mr B.N. Sharma, Additional Advocate General, for respondents No.1 to 3, State.

CMP No. 1750 of 2026

The petitioner was appointed as a Sweeper in the Government College Basa Gohar, District Mandi, HP w.e.f. 20.7.2011 and is discharging his duties continuously thereafter. The respondents issued directions to the Principals of Government Degree Colleges to disengage non-teaching engagements made from the PTA funds who were appointed without obtaining prior approval from the Government. The petitioner apprehends his discontinuation from his services. Hence, he filed a petition seeking an interim relief restraining the respondents from disengaging him.

2. It was laid down by the Hon'ble Supreme Court in *Vinod Kumar Vs. Union of India*, 2024 (9) SCC 327, that even if the appointments were not made strictly in accordance with the prescribed rule and procedure, they cannot be said to have made illegally, and a person serving for a long tenure cannot be terminated on the ground that his appointment was not proper.

3. In the present case, the petitioner has served for fourteen years. Hence, *prima facie*, his services cannot be terminated on the ground that his appointment was not made after seeking prior approval of the Government.

4. Therefore, the respondents are restrained from disengaging the applicant's/petitioner's services on the ground that his services were not engaged after obtaining the approval from the competent authority until the next date of hearing.

5. Reply, on behalf of the non-applicants/respondents, if any, be filed within three weeks, and the matter be listed along with the main matter.

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List the matter before the appropriate Bench having a roster after the winter vacation.

(Rakesh Kainthla)
Vacation Judge

23rd January, 2026
(Chander S. Sharma)