

Rajesh Kumar vs. State of H.P. & Ors

CWP No. 670 of 2023

21.02.2023

Present: Mr. P.P. Chauhan, Advocate, for the petitioner.

Mr. B.C. Verma and Mr. Rakesh Dhaulta
Additional Advocates General for
respondents No. 1 to 3-State.

None for respondents No. 4 and 5.

Mr. Saurav Kumar Manchandana,
Advocate, for respondent No.6.

None for respondent No.7.

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The case was taken up on 15.02.2023 and was adjourned to 21.02.2023. However, by inadvertence and as a typographic mistake, the next date came to be typed as 21.03.2023. The discrepancy was pointed out by way of mention memo filed by learned counsel for the petitioner and the same was allowed. Accordingly, the matter has been listed today.

Learned Additional Advocate General submits that instructions could not be placed on record today as he also remained under impression that the matter is listed on 21.03.2023.

Respondent No.6 is represented by Mr. Saurav Kumar Manchandana, Advocate.

None for respondent No.7 though, the said respondent was represented on the last date.

Learned counsel for the petitioner has submitted that respondents No. 4 and 5 are represented through standing counsel Mr. B. Nandan Vashist and he has already supplied a copy of the petition to said counsel. None has appeared for respondents No. 4 and 5.

Instructions/reply be filed on behalf of respondents before the next date of hearing.

List on **6th March, 2023** before the appropriate Bench.

CMP No. 1385 of 2023

By way of instant application, a prayer to the following effect has been made.

“That application may kindly be allowed and operation of the impugned order issued vide ref no.EDN-U(E-V) Elem/Appointment/Ex Men DM/2022-4991-94 dated 19.11.2022 (Annexure P-11) may kindly be stayed and the petitioner may kindly be allowed to participate in the selection process on provisional basis in the interest of justice.”

The precise grievance of the petitioner is that he is fully qualified to be appointed as Drawing Master. He has diploma in Art and Craft (DM) from Desh Bhagat University constituted under Desh Bhagat

University Act, 2012. His name was nominated as an Ex-Servicemen candidate for the post of Drawing Master on contract basis by Sub Regional Employment Officer, Ex-Servicemen Employment Cell, Himachal Pradesh at Hamirpur to the Deputy Director (Elementary Education) Una, District Una, H.P. However, vide Annexure P-11, the Deputy Director (Elementary Education) Una, District Una has rejected the nomination of petitioner on the ground that Desh Bhagat University is not recognized by NRC/NCTE for the conduct of diploma of Drawing teacher. According to petitioner, the ground of rejection is illegal on the face of it. As per him, Desh Bhagat University has been constituted under the State Act and, therefore, NRC/NCTE has no role to grant recognition to the courses conducted by said university.

Learned counsel for the petitioner has further contended that the screening/document check, for the post of Drawing Master has been conducted and on the basis of Annexure P-11, petitioner has not been allowed to participate.

Petitioner has made out a prima facie case. In order to maintain equity, it will be expedient in the interest of justice to direct respondents No. 1 to 3 to

keep one post of Drawing Master under Ex-servicemen
quota vacant till further orders.

(Satyen Vaidya)
Vacation Judge

21th February, 2023
(himani)