

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.2241 of 2025

Decided on: 11th February, 2025

Dr. Deepak Chauhan

....Petitioner

Versus

State of Himachal Pradesh & Ors.

....Respondents

Coram

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹ *Whether approved for reporting? Yes*

For the petitioner : Mr. Karan Singh Parmar,
Advocate.

For the respondents : Mr. L.N. Sharma, Additional
Advocate General.

Ranjan Sharma, Judge

Petitioner has come up before this Court,
seeking the following relief(s) :-

“i) That Order dated 5th October, 2024, 12th December, 2024 & order dated 31.12.2025 May very kindly be quashed and Set Aside and the directions may very kindly be issued to the respondents to allow the petitioner to continue at the present place of residence, In the interest of justice and fair Play.

(ii) That the respondents may very kindly be directed to provide alternate accommodation to the petitioner at Dental College Residencies Near boys Hostel Sanjoli Shimla H.P which is lying vacant for the past One Year being a

¹ *Whether reporters of Local Papers may be allowed to see the judgment? Yes*

special case.

(iii) That respondents may very kindly be directed not to take the police assistance for vacation of the accommodation as the wife of the petitioner is also residing in the same accommodation.”

2. The matter was listed on 10.02.2025, when, this Court passed the following orders :-

“Heard.

2. Mr. Vishal Panwar, Learned Additional Advocate General appears and waives service of notice on behalf of respondents-State. As prayed, let reply or instructions be furnished on or before the next date of hearing.

3. Precisely, the grievance is that the petitioner is working as Hostel Warden in Female Hostel since 2014. In order to ensure effective management and to secure comfortable environment to the girls students, the respondent felt the need for appointing a female warden. Resultantly, the respondent No.3 issued an order on 05.10.2024 [Anneuxre P-1] whereby one Dr. Seema Bhoomla, who is working as Lecturer in Department of Oral Medicine and Radiology was directed to take over the charge as Assistant Warden from the petitioner [Dr. Deepak Chauhan] with directions to the petitioner to vacate the hostel accommodation for new incumbent, which was reiterated by Principal, Government Dental College & Hospital, Shimla on 12.12.2024 [Annexure P-2] directing the petitioner [Dr. Deepak Chauhan] to vacate the Hostel Accommodation before 15.12.2024, with further directions to new incumbent [Dr. Seema Bhoomla] to take over the charge of Warden of girls hostel concerned.

4. Petitioner approached this Court in **CWP No. 15811 of 2024, titled as Dr. Deepak Chauhan versus State of H.P. & Ors decided on 23.12.2024 [Annexure P-6] when the petitioner was permitted to continue in the Girls Hostel Accommodation till 31.01.2025.**

5. Mr. Karan Singh Parmar, Learned Counsel for petitioner submits that new incumbent [Dr. Seema Bhoomla] has not taken over the charge as Assistant Warden of Girls Hostel concerned and therefore, the petitioner may be permitted to continue in hostel accommodation till his substitute takes over the charge, as Hostel Warden, in girls hostel concerned.

6. Faced with these situation, *Learned Additional Advocate General seeks time to furnished Instructions in this matter*, as to *whether* substitute of petitioner namely, Dr. Seema Bhoomla as in communication dated 05.10.2024 and 12.12.2024 [Annexures P-1 and P-2] has taken over the charge of Hostel Warden/Assistant Warden of Girls Hostel or not and *whether* Dr. Seema Bhoomla or any other incumbent has been posted or assumed charge of Hostel Warden of Girls Hostel concerned and if not, the reasons therefor; and *whether* it is admissibility feasible to permit the petitioner to continue in Hostel Accommodation as an adhoc measure till new incumbent/ substitute takes over as Hostel Warden etc.

7. Learned Additional Advocate General for the respondents-State seeks a days time to furnish Instructions, in the matter.

8. Let the matter on 11.02.2025, on which dated Learned State Counsel to furnish Instructions in the matter.”

3. As a sequel to orders dated 10.02.2025, Learned Counsel has furnished Instructions dated 11.02.2025 [*Taken on Record*]. Copy thereof has been supplied to Learned Counsel for petitioner also.

4. The contention of Learned Counsel for petitioner that new incumbent, Dr. Seema Bhoomla, who was appointed/posted as Assistant Warden in Girls Hostel, New Blessington Girls Hostel, Lakkar Bazar, Shimla [HP], to replace the petitioner-Deepak Chauhan as Warden of Girls Hostel has not taken over the charge as yet and therefore, the petitioner may be allowed to continue in the said accommodation, *is not tenable, for the reason, that firstly,* the Instructions dated 11.02.2025, clearly reveal that Dr. Seema Bhoomla has assumed charge of Assistant Warden of Girls Hostel on 11.02.2025 [F.N.] and consequent upon assumption of charge, by Dr. Seema Bhoomla, the petitioner [Deepak Chauhan], who is presently, residing/occupying the accommodation meant for Girls Hostel Warden has neither any right

nor any locus to continue in said Government Accommodation; and *secondly*, once the petitioner ceases to be a Hostel Warden of Girls Hostel in terms of communication dated 05.10.2024 [Annexure P-1] and was thereafter, directed to vacate the accommodation, meant for Girls Hostel Warden, then, the petitioner has no right for claiming continuance of accommodation earmarked for Girls Hostel Warden; and *thirdly*, when, even as per the directions given by Dental Council of India in communication dated letter No.DCI/PDMS/CG/Dentist/Gen/280/2024-25/2024/6155 dated 15.10.2024, a Female could be a hostel Warden and therefore, in view of DCI directions the claim of petitioner to continue in accommodation meant for Girls Hostel Warden, was not tenable; and *fourthly*, based on DCI directions dated 15.10.2024, the Respondent No.3-Principal again directed the petitioner to vacate Earmarked Accommodation meant for Female Girls Hostel Warden before 15.12.2024, vide letter dated 12.12.2024, but the petitioner ignored

these directions; and *fifthly*, when, in terms of another letter dated 19.12.2024, the petitioner failed to vacate accommodation within the stipulated period of seven days; and *sixthly*, even after the orders dated 23.12.2024 [Annexure P-6], passed by a coordinate Bench of this Court in CWP No.15811 of 2024, directing the petitioner to vacate the Earmarked Accommodation meant for Girls Hostel Warden till 31.01.2025, the petitioner instead of vacating the accommodation, came to this Court again in instant petition setting up frivolous pleas; and *seventhly*, the request for continuance in accommodation beyond 31.01.2025 was turned down on 30.01.2025 with directions to vacate the same as per the orders passed by High Court but in vain; and *eighthly*, the petitioner was allotted accommodation in lieu of his deployment as Assistant Warden of Girls Hostel concerned being a Lecturer in Government Dental College, Shimla, but without testing his eligibility along with others for allotment in accordance with Himachal Pradesh [General Pool]

House Allotment Rules, 1994 [Annexure P-3], based on date of priority to be computed along with other eligible officers/officials, therefore, the petitioner has no right to seek continuity in Earmarked Accommodation meant for Girls Hostel Warden/Assistant Warden; and *ninthly*, once petitioner was not allotted government accommodation under Himachal Pradesh House Allotment [General Pool] Rules 1994, but was allotted an Earmarked Accommodation in lieu of being a Girls Hostel Warden/Assistant Warden and now the petitioner ceases to be Warden/Assistant Warden of Girls Hostel concerned, therefore, the plea of petitioner that allotment was cancelled in violation of Rule 18 of Himachal Pradesh House Allotment [General Pool] Rules 1994, is not tenable. *In these circumstances*, this Court is of the considered view, that the petitioner has no right to continue in Government Accommodation, earmarked meant for Warden/ Assistant Warden of Girls Hostel Warden when, the petitioner has ceased to be the Assistant Warden of Girls Hostel concerned

and even his substitute i.e. Dr. Seema Bhoomla has taken over the charge as Assistant Warden of Girls Hostel concerned on 11.02.2025, as aforesaid. Since new incumbent Dr. Seema Bhoomla, has taken charge, as Assistant Warden then, the petitioner could be permitted to continue in earmarked accommodation meant for Female Assistant Warden as per the directions of DCI, so as to enable effective management and smooth running and supervision of Girls Hostel concerned.

For aforesaid reasons, this Court does not find any merit in prayer of petitioner for permitting him to continue in earmarked accommodation meant for Female Hostel Warden, any longer and the prayer thereto is denied of any merit and is rejected. Resultantly, this Court directs the petitioner to vacate the Government Accommodation presently occupied or in his possession, which is meant for Female Girls Hostel Warden/Assistant Warden, in Blessington Girls Hostel on or before 16.02.2025 by 03.00 p.m. Failure

to vacate the Government Accommodation shall entitle the Respondents-State Authorities to take recourse to such other measures, as available in law hereinafter, if need arises.

5. Claim of the petitioner for providing him alternative accommodation, is misconceived, for the reason that claim for accommodation is to be tested/examined under the Himachal Pradesh House Allotment [General Pool] Rules, based on various factors and plea for alternate accommodation can neither be claimed nor granted without examining the case of petitioner along with other eligible officers. In these circumstances, the prayer in 11(ii) is also rejected. However, the petitioner is free to approach appropriate authority for consideration of his case for allotment in accordance with House Allotment Rules, hereinafter.

6. In aforesaid terms, the claim(s) made in the writ petition are devoid of any merit and the writ petition is dismissed in limine with no order as to costs.

Instant writ petition is dismissed and all pending application(s) shall also stand disposed of accordingly.

(Ranjan Sharma)
Vacation Judge

February 11, 2025
[Rupsi/ Chiranjeev]