

**Gurbax Singh & Ors. Vs. State of H.P. & Ors.
CWP No. 2733 of 2026.**

01.04.2026 Present: M/s Ashwani Kumar Sharma and Shivani, Advocates, for the petitioners.

Mr. Anup Rattan, Advocate General, with Mr. Pushpinder Jaswal, Additional Advocate General, for respondents No.1 & 2.

Ms. Neelam Kaplas, Advocate, for respondent No.3.

Ms. Rita Goswami, Senior Advocate, with Ms. Rekha Thakur, Advocate, for respondent No.4.

CWP No. 2733 of 2026

Notice. Mr. Pushpinder Jaswal, learned Additional Advocate General, accepts notice on behalf of respondents No.1 & 2. On his instructions, Mr. Anup Rattan, learned Advocate General, has put in appearance on behalf of said respondents.

Ms. Neelam Kaplas and Ms. Rekha Thakur, learned counsel, accept notice on behalf of respondent No.3 and respondent No.4, respectively. On the instructions of Ms. Rekha Thakur, Advocate, Ms. Rita Goswami, learned Senior Counsel, has put in appearance on behalf of respondent No.4.

As prayed for, list on **28.04.2026**. Reply be filed, in the meanwhile.

CMP No. 3846 of 2026

By way of this application, the applicants have, *inter alia*, prayed for the following reliefs:-

“Therefore, in view of aforesaid facts and circumstances the present application may kindly be allowed and Direct the respondent authorities to give effect to the Revised Final Seniority List dated 23.09.2025 (Annexure P-9) and consequently confer promotion upon the petitioners to the post of PGT in their respective disciplines from the due date in terms of seniority and essential qualification, subject to the final outcome of LPA No. 761 of 2025, and further extend/defer the last date for submission of application forms under the concerned scheme till the promotions of the petitioners to the post of PGT are effected by the respondent authorities, and thereafter consider their candidature accordingly.”

The writ petition has been filed by the petitioners, *inter alia*, praying for the following reliefs:-

“1. That writ of mandamus be issued by directing the respondent authorities to give effect to the revised Final seniority list dated 23.09.2025 (Annexure P-9) and consequent thereto, petitioners be conferred with promotion orders to the post of PGT in respective disciplines from due date in terms of Seniority and essential qualification subject to the final outcome of LPA No. 761 of 2025.

II. Further, last date of submission of application forms be extended from 5th of March, 2026 till the time the promotions of petitioners to the post of PGT in terms of seniority & eligibility are not affected by the respondent authorities and thereafter, their candidature be considered accordingly.

III. That the entire process of creating CBSE sub cadre from parental state cadre under Sub-scheme for creating of sub- cadre for CBSE affiliated school's by receiving applications on prescribed format & Screening test and counselling be kept in abeyance till the final adjudication of LPA No. 761/2025.

IV. Any other order which this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case may kindly be passed in favour of the Pétitioners and against the respondents."

Presently, the petitioners herein, are serving as T.G.Ts. and the main prayer in the writ petition is that a mandamus be issued to the respondents Authorities to give effect to the revised final seniority list dated 23.09.2025 and petitioners be promoted as P.G.Ts. in their respective disciplines from due date. Said prayer has been made subject to the outcome of Letters Patent Appeal No. 761 of 2025. It is also prayed in the main petition that the process of creating C.B.S.E Sub-Cadre from parental State Cadre under Sub-scheme for creation of Sub-Cadre for C.B.S.E. affiliated

Schools by receiving applications on prescribed format and screening test and counselling be kept in abeyance till the final adjudication of Letters Patent Appeal No. 761 of 2025.

Learned counsel for the petitioners submitted that the petitioners be granted interim protection to the extent that they be deemed to have been promoted to the posts of P.G.T. in sync with final seniority list dated 23.09.2025 and further direction be issued to the respondents to treat them as P.G.Ts. for the purpose of participating in the process of recruitment to the C.B.S.E. Sub-Cadre of P.G.Ts.

On the other hand, learned Advocate General, argued that in light of the fact that the matter is still pending before the Hon'ble Division Bench of this Court in terms of a Letters Patent Appeal, the writ petition itself is not maintainable, as the petitioners should agitate the cause in the Letters Patent Appeal itself, if they are parties therein or otherwise by getting themselves impleaded as parties and in this backdrop, as the petitioners still hold the status only of T.G.Ts., no interim direction can be passed, as prayed for, by deeming them to be P.G.Ts. for participation in the process of recruitment to the C.B.S.E. Sub-Cadre of P.G.T.

Having heard learned counsel for the petitioners, learned Advocate General as also learned Senior Counsel for respondent No.4 and learned counsel for respondent No.3,

who have supported the arguments raised by learned Advocate General, this Court is of the considered view that no interim, as is being prayed for by learned counsel for the petitioners, can be granted.

It is settled law that for the purpose of grant of interim relief, three conditions have to be satisfied i.e. prima facie case, balance of convenience and irreparable loss. Herein, in light of the fact that the petitioners are still serving the respondents-Department as T.G.Ts. and the judgment on the basis of which they are claiming the status of P.G.Ts., is under challenge before the Hon'ble Division Bench of this Court by way of a Letters Patent Appeal No. 761 of 2025, any interim order passed by this Court to the effect that the petitioners be deemed to be P.G.Ts. for the purpose of their participation in the process of recruitment to the Sub-Cadre of C.B.S.E. Scheme as against the posts of P.G.Ts., will amount to granting final relief to the petitioners prayed in main writ petition herein, without the adjudication of the matter either by this Court on merit or by the Hon'ble Division Bench, which is seized of the matter by way of an Appeal. In this view of the matter, it can not be said that balance of convenience is in favour of the petitioners or any irreparable loss shall be caused to them, if interim, as prayed for, is not granted.

On the other hand, in case the Court concedes to the request made by the petitioners, then irreparable loss will be caused to those who actually are holding the status of P.G.Ts. and intend to participate in the process of recruitment to C.B.S.E. Sub-Cadre in the said capacity, because this Court will be introducing a category to participate in the said process, which otherwise as of today, does not exist. The same may amount to this Court committing judicial impropriety.

In light of the above discussion, as this Court finds no reason to grant interim in favour of the petitioners, the application is dismissed.

(Ajay Mohan Goel)
Judge

April 01, 2026
(Shivank Thakur)