

Chetan Chauhan Vs. State of Himachal Pradesh & Ors.

CWP No. 3625 of 2025

17.03.2025 Present: Mr. Onkar Jairath & Mr. Piyush Mehta, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General, with Mr. Rajan Kahol, Mr. Vishal Panwar, Mr. B.C. Verma, Additional Advocate Generals & Mr. Ravi Chauhan, Deputy Advocate General, for respondents-State.

CWP No. 3625 of 2025 & CMP No. 4044 of 2025

Mr. Rajan Kahol, learned Additional Advocate General, waives notice on behalf of the respondents/State. He prays for and is granted four weeks' time to file reply.

Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by learned counsel for the petitioner is that petitioner herein, who has been successfully rendering the services of Assistant Professor (Journalism and Mass Communication) in the Government College, Seema (Rohru), District Shimla, has been ordered to be removed vide communication dated 22.2.2025 (Annexure P-6) on the ground that he does not possess the requisite qualification.

Careful perusal of afore communication suggests that Government has decided to remove all the ineligible PTA provided Assistant Professor/Teachers on the ground that they don't possess requisite qualification, but bare perusal of communication dated 26.7.2014 (Annexure P-3) issued under the signature of Under Secretary (Higher Education) to the Government of Himachal Pradesh clearly reveals that

department while referring to the notification dated 18.7.2014 has already clarified that PTA provided teachers shall continue to work as such without the requirement of passing NET/SET.

Though taking note of the aforesaid communication dated 26.7.2024, petitioner has got prima-facie case in his favour, but even otherwise services of petitioner could not have been ordered to be dis-engaged without affording opportunity of hearing to him.

In view of the above, pending reply, operation of impugned orders dated 22.2.2025 (Annexures P-5 and P-6) are stayed.

List on 7.4.2025.

March 17, 2025
(sunil)

(Sandeep Sharma),
Judge