



2026:HHC:12728

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IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 2524 of 2018

Decided on: 18.04.2026

Sh. Sandeep Kumar

... Petitioner

Versus

State of Himachal Pradesh and others

... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹ Yes

For the petitioner : Mr. Surinder Prakash Sharma,
Advocate.

For the respondents : Mr. Pushpender Jaswal, Additional
Advocate General.

Ajay Mohan Goel, Judge [Oral]

By way of this writ petition, the petitioner has *inter alia* prayed for the following reliefs:-

"i) That the impugned order Ann P6. may kindly be quashed and set aside and the petitioners may be re-engaged as PTA Teacher Art and Craft (DM) in Government Middle School, Kathaji and suitable directions may also be issued to the respondents to allow the petitioners to continue his duties as teachers on PTA basis with all consequential benefits.

ii. That the respondent may kindly be directed to pay / release honorarium to the petitioners as per the PTA Policy for which

¹ Whether reporters of the local papers may be allowed to see the judgment?



the petitioners admittedly served as PTA Teachers in the school in question.”

2. Facts necessary for the adjudication of the case are that according to the petitioner he was engaged as an Arts and Craft Teacher in Government School Kathaji w.e.f 01.01.2006, by the Parent Teacher Association of the said School. He continuously served as such till the month of June, 2010, when his services were dispensed with on account of the joining of a regular teacher. The petitioner preferred CWP No. 3801 of 2014 and in compliance to the orders passed in the said petition, Annexure P-1 has been passed by the Authority and feeling aggrieved, the petitioner has filed this petition.

3. Learned counsel for the petitioner argued that the petitioner was engaged by the PTA w.e.f 01.01.2006 as he was fulfilling the criteria to be appointed as an Art and Craft Teacher. Learned Counsel further submitted that the termination of the services of the petitioner in June, 2010, was bad in law because he could not have been terminated nor his services could not have been discontinued simply on the ground that the regular incumbent had joined the station. Learned Counsel further submitted that in fact the post fell vacant again in the year 2012



when the person, who was appointed therein in the year 2010, stood transferred, yet, no endeavour was made by the respondents to re-engage the petitioner. Learned Counsel further argued that in the interregnum, a decision was taken by the department to reengage all such PTA appointees, whose services were terminated on the ground of joining of the some other incumbents and though more than 60 such PTA appointees were reengaged, however, but the petitioner was not reengaged. It was in this backdrop, as per the learned counsel, that the petitioner had earlier filed a writ petition, in which, a direction was passed by the Court to place this case before the High Power Committee. Learned counsel for the petitioner by referring to the order passed by the High Power Committee argued that reasons which are assigned in Annexure P-1 are *per se* not sustainable in the eyes of law and it is incorrect that the petitioner was not appointed as per the Grant-in-Aid policy. He submitted that the petitioner was appointed as per the Grant-in-Aid policy and therefore, non grant of benefit to the petitioner is bad.

4. On the other hand, learned Additional Advocate General by referring to the reply filed by the State, submitted that the engagement of the petitioner was not as per the Grant-in-Aid to PTA Rules, which were framed in the year 2006. Learned Additional



Advocate General submitted that the petitioner was engaged unilaterally by the PTA of the school concerned without following the PTA Rules and therefore, as he was not entitled for reengagement in terms of the decision taken by the department to reengage those teachers, who were appointed by PTA under the Grant In Aid to PTA Rules 2006 before 31.12.2007, the rejection of the case of the petitioner by the High Power Committee cannot be faulted with. Learned Additional Advocate General further submitted that as there is no merit in the present petition, the same be dismissed.

5. I have heard learned counsel for the petitioner as also learned Additional Advocate General and have also gone through the pleadings as well as documents appended therewith.

6. Though, the petitioner has not appended with the petition the appointment letter issued to him by the PTA or the order which was passed by this Court in the earlier writ petition filed by him, but the following facts are not in dispute.

- (a) The petitioner was engaged by the Parent Teacher Association w.e.f. 01.01.2006 as an Art and Craft Teacher and his services were discontinued in the month of June, 2010 when the regular teacher joined in place of the petitioner.



- (b) A decision was taken by the Government on 22.05.2014 to reengage the services of those PTA provided teachers who were engaged before 31.12.2007 and whose services were discontinued due to the reason other than enquiry committee if they were otherwise eligible as per Recruitment and Promotion Rules.
- (c) The petitioner approached the Court earlier by way of CWP No. 3801 of 2014 and the said petition was disposed of by this Court by ordering that the case of the petitioner be placed before the High Power Committee constituted by the respondents to deal with such matters.

7. Now in this backdrop, if one peruses the impugned order passed by the High Court, one finds that the following reasons stand assigned therein by the High Power Committee for rejecting the case of the petitioner:-

“Decision of the Committee:- After due consideration, the Committee came to the conclusion that Mr. Sandeep Kumar was engaged before coming into effect GIA to PTA Rules, 2006 and Government has released GIA only to those PTA provided teachers who were engaged as per GIA to PTA Rules, 2006 and fulfill all the terms and conditions of the



R&P Rules prescribed at the time of their engagement. As far as the engagement of the petitioner, the Government has only re-engaged the services of those PTA provided teachers, who were engaged before 31.12.2007 as per GIA to PTA Rules, 2006 and whose services were discontinued after 31.12.2007 due to the reasons other than inquiry committee. Mr. Sandeep Kumar was never engaged under the GIA to PTA Rules 2006, hence, this provision is not applicable to him. Thus his case neither can be considered for re-engagement nor for the release of GIA for the period w.e.f. 01.01.2006 to June, 2010 for which he provided services to the institutions.”

8. The findings returned by the High Power Committee could not be demonstrated to be wrong on facts by the learned Counsel for the petitioner in the course of the arguments. It could not be demonstrated that the petitioner was engaged after coming into force the Grant-in-Aid to PTA Rules 2006 under the Grant-in-Aid to PTA Rules 2006.

9. That being the case obviously, the findings returned by the High Power Committee that the petitioner was not entitled to the benefit of the decision taken by the Government dated 22.5.2014 cannot be faulted with.



10. For being eligible for the benefit of the said decision of the Government, the onus was upon the petitioner to have had proved that he was engaged in terms of the Grant-in-Aid to PTA Rules 2006 by the PTA and that as on the date of his engagement under the Rules, he was fulfilling the eligibility criteria laid down in the Recruitment and Promotion Rules for appointment against the said post.

11. What to talk about the fulfillment of the eligibility criteria as per Recruitment and Promotion Rules, the petitioner has not been able to demonstrate that he indeed was appointed by PTA of the school concerned under the Grant-in-Aid to PTA Rules 2006, which were notified on 29.06.2006.

12. In fact, as it is the own case of the petitioner that he was engaged on 01.01.2006, it is but obvious that he was engaged before the notification of the Grant-in-Aid to PTA Rules 2006 was issued on 29.06.2006.

13. Therefore, it is obvious and apparent that the engagement of the petitioner was not as per the Grant-in-Aid to PTA Rules 2006.

14. Protection was granted in terms of the decision taken by the government on 22.05.2014 to engage those PTA provided



teachers, who were engaged in terms of the Grant-in-Aid to PTA Rules 2006 which were notified on 29.06.2006 and that also to only such like teachers who were engaged before 31.12.2007, as the engagement of teachers on PTA basis was stopped by the Government on 03.01.2008.

15. As the petitioner obviously was not eligible for the benefit of said decision of the government, the rejection of his case by the authority calls for no interference.

Accordingly, in light of above discussion, this petition, being devoid of any merit, is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

April 18, 2026
(narender)