

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**CWP No.6147of 2024
Date of Decision: 26.11.2025**

Sanjay Kumar

.....Petitioner

Versus

State of Himachal Pradesh and Ors.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioner: Mr. Ashwani Pathak, Senior Advocate with Mr. Dev Raj, Advocate.

For the respondents: Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocates General and Mr. Anish Banshtu, Deputy Advocate General.

Sandeep Sharma, J. *(Oral)*

Petitioner herein, who had applied for compassionate appointment, is aggrieved of order dated 23.3.2021, (Annexure P-17), whereby his case has been rejected on the ground that he does not possess requisite educational qualification required for appointment to the Class-IV post.

2. Precisely the facts of the case as emerge from the pleadings adduced on record by the respective parties are that father of the petitioner, who was working with the respondent-department died in harness on 1.8.1988. Petitioner being one of the legal representatives of the deceased employee applied for compassionate appointment. Though department concerned after having completed

all the codal formalities, forwarded the matter to Government for consideration, but same came to be rejected on the ground that petitioner does not possess minimum educational qualification for appointment to the Class-IV post.

3. Though Recruitment & Promotion Rules for the post of Class-IV post, provide for relaxation, but since vide Finance Department instructions notified vide order dated 7.3.2019, no relaxation can be granted save and except with the prior approval of the Council of Ministers, case of the petitioner has been rejected.

4. Though prima-facie, having carefully perused pleadings especially reply filed by the respondents, this Court sees no reason to interfere in the impugned order, which otherwise appears to have been passed on the basis of policy in vogue, but having taken note of the fact that power of relaxation in age of minimum educational qualification vests with the Council of Ministers, this court without going into the merits of the case, deems it fit to dispose of the same with direction to respondent-department to consider the present petition as representation on behalf of the petitioner and thereafter, forward the case of the petitioner for relaxation to the competent authority i.e. Council of Ministers, expeditiously. Ordered accordingly. Needless to say, in the event of relaxation, if any, granted by the Council of Ministers, necessary action for offering appointment to the petitioner on

compassionate grounds shall be taken by the competent authority. All pending applications stand disposed of accordingly.

November 26, 2025
(manjit)

(Sandeep Sharma),
Judge