

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No. 447 of 2025

Date of Decision : 03.06.2026

Ganga Jogta

..... Appellant

Versus

State of Himachal Pradesh and Others

..... Respondents

Coram:

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the Appellant : Mr. K.B. Khajuria, Advocate.

For the Respondents : Mr. Sidharth Jalta, Deputy Advocate General.

G.S. Sandhawalia, Chief Justice (oral)

The present appeal is directed against the order passed by the learned Single Judge, in *CWP No.208 of 2025* titled *Ganga Jogta vs. State of H.P. and another*, whereby learned Single Judge dismissed the writ petition on the first date itself, on the ground of delay and laches.

2. Perusal of the order passed by the learned Single Judge shows that a legal notice had been sent by the petitioner to the respondents, on 16.08.2012 (Annexure P-5), seeking her promotion/appointment as Junior Basic Teacher (JBT) by converting her service nomenclature as 'Gramin Vidya Upasak' to JBT. It was accordingly held by the learned Single Judge that the cause of action admittedly accrued to the petitioner 13 years back and there was no cogent explanation given in the petition for the delay and laches in institution of the writ petition. The persons who would be affected with the

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

relief claimed for by the petitioner have also not been impleaded as parties to the writ petition.

3. Counsel for the petitioner has submitted that the case of the petitioner is based on the issue of parity as the persons referred to, namely, Smt. Salochna Devi and Smt. Promila Chauhan, were also appointed along-with her on the basic post while referring to Annexure P-1, the final result. It has been submitted that they had been given the benefit and she had been wrongly left out on account of the illegal action of the State. It is, thus, submitted that even if there was delay, the interest could be balanced to the extent that the relief regarding the arrears as such could also be limited to a period of three years prior to the date of filing of the writ petition along-with interest.

4. While referring to the decision of the Hon'ble Apex Court, in **Civil Appeal No.4134 of 2022** titled **Rushibhai Jagdishchandra Pathak vs. Bhavnagar Municipal Corporation**, dated 18.05.2022, it is accordingly submitted that the issue of the continuing cause of action for the recurring cause of action was the subject matter of consideration before the Apex Court, which had placed reliance upon its earlier judgment passed in **M.R. Gupta vs. Union of India and others, (1995) 5 SCC 628** and also judgment passed in **Union of India and Others vs. Tarsem Singh, (2008) 8 SCC 648**, wherein, reliance was placed upon the earlier judgment passed in **Shiv Dass vs. Union of India and others, (2007) 9 SCC 274**.

5. In such circumstances, we are constrained to interfere with the order passed by the learned Single Judge in the peculiar facts and circumstances of the case, as the issue of parity is involved, because the persons who had been appointed at the same time, were granted the benefits, while the petitioner was left out.

6. Reply having not been filed, the counsel has rightly argued that the writ petition could have been amended to implead the concerned persons as respondents to get over the objection raised by the learned Single Judge that some persons had not been impleaded, whereas, the arrears could have been restricted to three years prior to filing of the petition. It was also argued that no relief has been prayed for against the said persons also.

7. In such circumstances, we set aside the judgment passed by the learned Single Judge and remand the matter for consideration afresh.

8. The parties are directed to put in appearance on **02.07.2026**.
Be listed as per roster, after filing of reply by the State

9. In view of the above, the appeal stands disposed of, so also, the pending miscellaneous application(s), if any.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

June 03, 2026 (KS)