

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.265 of 2026

Date of Decision : 08.05.2026

State of Himachal Pradesh and Others

..... **Appellants**

Versus

Manica Sharma

..... **Respondent**

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 Appellants : Mr. Arsh Rattan, Deputy Advocate General.

For the Respondent : Mr. Prajwal Sharma and Ms. Aashima Vashishta, Advocates.

G.S. Sandhawalia, Chief Justice (Oral)

The present Letters Patent Appeal is directed against the judgment dated 02.02.2026 of learned Single Judge, passed in *CWP No.13848 of 2025* and order dated 19.03.2026, passed in RP No.13 of 2026, whereby, the Review Petition filed by the State, was dismissed on the ground that there was no error apparent on the face of record.

2. Learned Deputy Advocate General has pointed out that the case could not be held to be covered by the judgment passed by this Court, in ***CWP No.18437 of 2025***, titled ***Richa Sharma vs. State of H.P. and others***, decided on 09.01.2026, as therein, the Co-ordinate Bench had granted relief after a detailed discussion on the fact that the

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

employee's son was suffering from the disease of Autism. Moreover, though therein rejection had been done without passing a speaking order by following instructions of the superior, but the Co-ordinate Bench had not relegated the employee to the concerned authority only on the existence of peculiar facts and circumstances of the case and had therefore quashed the order in that case.

3. In the present case, it is to be noticed that the only grouse of the writ petitioner-respondent herein was with respect to taking her services back to the parental department, i.e., the Directorate of Health Services, thereafter permitting her to join at the previous place of posting, i.e., MGMSC Khaneri, Rampur Bushahr, District Shimla and release of her salary of four months as she is without pay since her allocation/deployment to IGMC Shimla by way of bifurcation of cadre.

4. Learned counsel has brought to our notice that it is not disputed that in pursuance of the option given and as per her pleadings, the petitioner had herself opted to join the Directorate of Health Services and thereafter on account of being single parent of a minor daughter of five years, who is studying in Rampur Bushahr, she had filed the representation subsequently for cancellation of her option, which would be clear from Annexure P-4, which was duly acknowledged by the competent authority.

5. It is not disputed that reply was also filed to the writ petition before the learned Single Judge and the matter had been pending consideration since the writ was filed in August, 2025. It is also apparent

from the record that the matter had been adjourned for the first week of April, 2026 and it was only by virtue of petitioner's prayer herself to place on record additional documents by moving an appropriate application that the case was taken up during vacation by getting a mention made and then reliance was placed upon the decision of this Court rendered in **Richa Sharma's case** (supra) to dispose of the writ petition in favour of the writ petitioner/respondent.

6. In these circumstances, we are of the considered opinion that learned Deputy Advocate General is well justified to hold out that the concession, which was recorded in the order which is the subject matter of challenge, would not bar the State to raise the issue that it was not squarely covered by the decision of this Court rendered in **Richa Sharma's case** (supra).

7. Keeping in view the detailed perusal of the said judgment, it is evident that on account of peculiar facts and circumstances of the case, relief had been granted to Richa Sharma.

8. As noticed above, we are of the considered opinion that the petitioner could not be placed on the same pedestal, as the child of the present petitioner does not suffer from any such ailment and in these circumstances, it would be appropriate if a decision is taken afresh on merits. Further, it is a case of the State that if the said judgment is to stand, then other similarly situated employees would also come to this Court to seek the relief on the basis of findings given in Paragraphs-24

and 25 in ***Richa Sharma's case*** (supra) and the whole purpose of the bifurcation of the cadre and the option given would be defeated.

9. In these circumstances, we allow the present appeal and set aside the judgment dated 02.02.2026 of learned Single Judge, passed in *CWP No.13848 of 2025* and order dated 19.03.2026, passed in RP No.13 of 2026. Accordingly, let the matter be listed for hearing on merits before the learned Single Judge, on **14.05.2026**.

Pending miscellaneous application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

May 08, 2026 (KS)

(Bipin Chander Negi)
Judge