

H.P. School DPE Sang vs. State of H.P.

Ex. Petition No.120 of 2023

22.12.2023 Present: Mr. Rajesh Kumar, Advocate, for the petitioner.

Mr. Rajan Kahol, Additional Advocate General for the respondents-State.

The petitioner is seeking the Execution of the judgment passed by this Court in CWPOA No.3157 of 2019, titled as Himachal Pradesh School DPE Sang and Anr. vs. State of Himachal Pradesh, decided on 1.12.2022, (Annexure E-1) the operative part of the judgment read as under:-

“Consequently, in view of the above observations, this Court find merits in the petition and the same is allowed. Respondents are directed to frame Recruitment & Promotion Rules for the category of DPEs, who on account of their teaching 10+1 and 10+2 classes are getting pay scale of Lecturer, expeditiously, preferably within a period of two months thereby redesignating them as Lecturers. Since the DPEs teaching 10+1 and 10+2 Classes are already in receipt of pay scale of Lecturers, hence there is no financial implications on account

of framing of Recruitment & Promotion Rules and they shall be entitled for seniority from the respective date.”

**2.** Upon issuance of notice by this Court on 21.09.2023, the respondents have filed the reply to the Execution Petition and Para 3 of the reply read as under:-

“That the contents of this part are wrong, hence denied in view of the submissions made in part supra. The process of framing R & P Rules in underway.”

**3.** A perusal of the reply-affidavit in these proceedings reveals that the process for framing Recruitment and Promotion Rules are underway.

**4.** In the backdrop of the judgment passed by the Coordinate Bench of this Court on 1.12.2022, Annexure E-1, reveals that this Court had mandated the respondents to frame Recruitment and Promotion Rules preferably within two months, so that the benefit of re-designating them as Lecturer is extended to the petitioners.

**5.** It is painful to note that even after a period of one year, the respondents have come with the same stand that the process for framing the Recruitment and Promotion Rules is underway. This stand of the respondent cannot be accepted and the delay in non execution of the judgment is not in spirit of the judgment as well as the spirit of law.

**6.** In this background, this Court directs the respondent to ensure that Recruitment & Promotion Rules for the category of DPEs, in terms of Para 11 of the judgment dated 1.12.2022, be finalized, after completing all formalities from the Advisory Department etc. within a period of two months from today.

The compliance affidavit be filed by the respondent on **2<sup>nd</sup> March, 2024**. In case the judgment is not complied with then, Secretary Education to the Government of Himachal Pradesh shall remain present in the Court.

**(Ranjan Sharma)**  
**Judge**