

**HP School DPE Sang & Anr. vs. State of H.P.
& Anr.
Ex. Petition No.120 of 2023**

20.05.2024 Present: Mr. Sanjeev Bhushan, Senior Advocate, with Mr. Sohail Khan, Advocate, for the petitioners.

Mr. Pushpiner Jaswal, Additional Advocate General, for the respondents-State.

Learned Additional Advocate General has handed over a copy of instructions dated 18.05.2024, imparted to the office of the learned Advocate General by the Secretary (Education) to the Government of Himachal Pradesh. A perusal thereof demonstrates that the Department has finalized the Recruitment and Promotion Rules and as approval of the Advisory Department(s) is required, the Education Department has obtained concurrence of Finance and Personnel Department, but the same is now under the consideration of Law Department and Himachal Pradesh Public Service Commission. In terms of the instructions, for framing of the R&P Rules of the aforesaid posts, creation of posts of Lecturer, Physical Education (School New) was also required. The Department is stated to have completed the formalities to create 486 posts of Lecturer, Physical Education (School New). However, the matter is required to be placed before the Council of Ministers for final approval (in terms of the Rules of Business of the Government and the standing orders of the Department). It is further mentioned in

the instructions, that as the Model Code of Conduct is in force, therefore, the Council of Minister will meet only after the Model Code of conduct is rescinded. In the backdrop of what is contained the instructions, learned Additional Advocate General submits that eight weeks' time be granted to do the needful.

Learned Senior Counsel for the petitioners has drawn the attention of the Court to the order that was passed by the Court and he submits that besides framing of the recruitment and promotion rules, the respondents are also to confer seniority upon the members of the petitioners-society from the respective date.

Having gone through the instructions, though the prayer of the State for the grant of the eight weeks' is rejected, but it is hereby directed that now let needful positively be done within a period of six weeks' from today.

As prayed for, list on **03.07.2024**, before the appropriate Bench. The submissions made by learned Senior Counsel for the petitioners with regard to entitlement of seniority shall be considered by the Court on the next date of hearing.

(Ajay Mohan Goel)
Judge

May 20, 2024
(*Vinod*)