

Ajay Kumar versus State of Himachal Pradesh and others

CWPOA No.492 of 2019

05.01.2026 Present: Mr. Naresh Verma, Advocate, for the petitioner.

Ms. Seema Sharma, Deputy Advocate General for the respondents-State.

Ms. Ranjana Pathania, Advocate vice
Ms. Archana Dutt, Advocate, for
respondent No.3.

Grievance of the petitioner is that pursuant to Advertisement dated 03.06.2011, [*Annexure P-1*], five posts of Physical Education Teachers were meant for ST-UR Category.

2. Pursuant to Screening Test and the Interview conducted on 21.06.2012, it is averred that though the petitioner belongs to ST-UR Category but at the time of submitting the application form, the petitioner had applied through ST-Sports Category. It is the case of the petitioner that in identical situation, one Ms. Soni Bhandari, who had applied under ST-Sports Category incumbent was permitted to switch over to ST-UR Category whereas, the petitioner who was similarly placed was denied the said benefit. Denial of switching over at the

time of Interview, has resulted in non-selection of the petitioner whereas, other similar incumbents were selected/recommended appointed as Physical Education Teachers by the respondents.

3. Perusal of Para 5 of the Reply-Affidavit filed by the Respondent-Board also *prima-facie* supports the case of the petitioners, for the reason that the Reply-Affidavit indicates that one Ms. Soni Bhandari who had applied from ST-Sports persons Category was allowed the switching over by considering her candidature against the ST-UR Category.

4. Since the petitioner has set up a case that once the benefit of switching over has been given to other candidates including Ms. Soni Bhandari then, the same treatment should have been given to the petitioner, in view of the fact that the petitioner and Ms. Soni Bhandari both have secured 145 marks [at page 21 of the paper book], once Ms. Soni Bhandari has been recommended for appointment Annexure P-4 [at page 22 and 23 of the paper book], therefore,

the denial of similar treatment to the petitioner was not in true spirit.

5. In view of above, let records relating to selection be produced on the next date of hearing.

List the matter on **13th March, 2026**, on reopening of Courts after winter vacation.

5th January, 2026
(himani]

(Ranjan Sharma)
Judge