



**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA** 2026:HHC:14431-DB

**CWP No.7425 of 2022**

**Decided on: 05.05.2026**

Deep Sharma

... Petitioner

**Versus**

State of Himachal Pradesh and others

... Respondents

**Coram**

**Hon'ble Mr. Justice Ajay Mohan Goel, Judge.**

**Whether approved for reporting?<sup>1</sup>Yes**

For the petitioner:

Mr. Ajay Kumar Dhiman, Advocate.

For the respondents:

Mr. Pushpinder Jaswal, Additional Advocate General, for respondents No.1 and 2.  
Mr. Rohit, Advocate, vice Mr. Sat Prakash, Advocate, for respondent No.3.

**Ajay Mohan Goel, Judge** (Oral)

By way of this petition, the petitioner has, *inter alia*, prayed for the following reliefs:-

*“a) That the writ in the nature of certiorari may kindly be issued and the selection of the respondent no.3 may kindly be quashed and set aside in the interest of justice.*

*b) A writ in the nature of mandamus may be issued and thereby directing the respondents to issue appointment letter to the petitioner.”*

2. Facts necessary for the adjudication of this petition are that a process was initiated by the respondent-Department to fill-up the post of Lecturer, School Cadre (New) under the Physically Handicapped Quota on contract basis in the Education Department. Out of the subjects for which the posts were advertised, 17 posts were for the subject of Commerce., including 4 posts for Orthopedic Handicapped candidates. The petitioner being eligible to apply under

<sup>1</sup> *Whether reporters of the local papers may be allowed to see the judgment?*



the said Quota, applied and in terms of Annexure P-3, scored 12.05 marks. As there were other candidates more meritorious than him, he was not offered appointment by the respondent-Department. Feeling aggrieved, he has filed this petition. ‘

3. Learned Counsel for the petitioner argued that the denial of appointment to the petitioner is arbitrary and not sustainable in the eyes of law. He submitted that in terms of Circular Dated 28.08.2017 (Annexure P-4), the petitioner was entitled for marks under Clause 10, which deals with ‘Training’ and Clause 11, which deals with ‘Experience’. Learned Counsel drew the attention of the Court to Annexure P-2 appended with the petition and submitted that it was apparent from said Experience Certificate that the petitioner had worked in the Maharishi Vidya Mandir Kuthar, Nadaun and thus, the petitioner was entitled for grant of 1 mark, for 6 months training related to the post and denial thereof is bad in law. Learned Counsel further submitted that assuming that the said period was not to be treated as a training period, then also the experience gained by the petitioner should have been taken into consideration under Clause 11 and adequate marks should have been allotted to him. Accordingly, he submitted that as the petitioner has been arbitrarily denied marks under Clauses 10 and 11, present petition be allowed by quashing the selection list and by directing the respondents to grant marks under Clauses 10 and 11 and, thereafter, offer appointment to the petitioner.



4. On the other hand, learned Additional Advocate General and learned Counsel for the private respondent have argued that there is no merit in the case. Learned Additional Advocate General submitted that herein, the petitioner was granted marks by the Selection Committee, to which he was entitled to. He submitted that in terms of Circular (Annexure P-4), one mark was to be allotted for training in case the candidate had six months prior training related to the post applied for from a recognized University-Institution. However, Annexure P-2 appended with the petition by the petitioner does not amount to training, as the petitioner in terms thereof had worked as a Part Time PGT, in the subject of Commerce/ Economics. Learned Additional Advocate General also submitted that under Clause 11 of the Circular, a candidate is entitled for grant of marks in case of experience upto a maximum of two years in Government/Semi Government Organizations relating to the post applied for in the manner prescribed therein. But, the petitioner had imparted Part Time PGT Service in Maharishi Vidya Mandir Kuthar, Nadaun, which neither is a Government nor a Semi-Government Organization. Accordingly, he submitted that as the petitioner was not entitled to marks under Clauses 10 and 11, the Selection Committee rightly did not grant any marks to the petitioner under the said Clauses. Learned Additional Advocate General submitted that the selected candidates were selected on merit and there was no occasion for disturbing their appointments which were effected in



the year 2022. Learned Counsel appearing for the private respondent adopted the arguments of learned Additional Advocate General.

5. I have heard learned Counsel for the parties and have also carefully gone through the pleadings as well as documents appended therewith.

6. The petitioner is aggrieved by non-grant of marks to him under the Heading of 'Teaching Experience and Training'. The Circular, upon which the petitioner is relying, i.e. Annexure P-4, *inter alia*, provides that marks in the manner prescribed therein have to be awarded to fill-up the posts reserved for persons with disability by the Departmental Selection Committee for selection of Class-III and Class-IV employees. Clauses 10 and 11 of the Circular are quoted hereinbelow:-

<b>"Sr No.</b>	<b>Remarks</b>	<b>Class III</b>	<b>Class IV</b>
10.	Training at least 6 months duration related to the post applied for from a recognized University/Institution. Experience up to a maximum of five years in Govt ./Semi Govt organization relating to the post applied for (0.4Mark only for each completed year in case of class -III posts and 0.7 Mark only for Each completed year in case of Class -IV ).	1 (One)	.....
11.	Experience up to a maximum of five years in Govt./Semi Govt organization relating to the post applied for (0.4Mark only for each completed year in case of class-III posts and 0.7 Mark only for Each completed year in case of Class -IV )."	2 (Two)	3.5(Three and half)

7. The Experience Certificate (Annexure P-2), appended by



the petitioner with the writ petition demonstrates that it has been issued by one Yateesh Saxena, Additional Director (Pers. & Admn.) for Director (Pers. & Admn.), dated 04.05.2022, to the effect that as per the record of the National Office of MCEE Campus, Lambakheda Berasia Road, Bhopal, Madhya Pradesh, Mr. Deep Sharma had worked in Maharishi Vidya Mandir Kuthar, Nadaun as a Part Time PGT (Commerce/ Economics), w.e.f. 07.10.2021 to 30.04.2022.

8. Now, this Court is of the considered view that by no stretch of imagination, this Certificate can be said to be a Training Certificate related to the posts from a recognized University/ Institution. The Certificate is to the effect that the petitioner has worked as a Part Time TGT in the subject of Commerce/ Economics for the period mentioned in the Certificate, which obviously cannot be termed to be training, as the petitioner was performing the duties of a Part Time TGT in the School concerned. Besides this, neither the petitioner has placed any material on record to demonstrate, nor the learned Counsel for the petitioner at the time of arguments has been able to demonstrate that the Institution where the petitioner worked is a Government or Semi-Government Organization.

9. That being so, even the experience gained by the petitioner in the said Institution could not have had been taken into consideration by the Selection Committee to award him marks, because under Clause 11, marks could have been awarded only for the experience gained from a Government/Semi-Government



Organization.

10. Besides this, in terms of Clause 11, in all, for a lass-III post, two marks can be awarded under the Head of 'experience' and 0.4 marks is to be awarded for each completed year upto a maximum of five years.

11. In the present case, as the petitioner had just worked for about six months in terms of the Experience Certificate appended by him, the maximum that he could have been awarded, even by assuming that the Institution in issue was a Government/Semi-Government Organization, were 0.2 marks.

12. Even if, that it is added to the score of the petitioner, it takes the petitioner from 12.05 marks to 12.25 marks, which are again less than the marks scored by the last candidate selected under the Handicap Quota, who as per Annexure P-3, scored 12.96 marks and scored fourth position.

13. Therefore, in light of the above discussion, as obviously the Selection Committee rightly did not grant marks to the petitioner under the Heading of 'Experience and Teaching' and otherwise also, for the reasons mentioned hereinabove, as this Court does not find any merit in the present petition, the same is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

**(Ajay Mohan Goel)**  
**Judge**

May 05, 2026  
(Rishi)