

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 10725 of 2026

Decided on: 29.07.2026

Shri Pankaj Pathak

... Petitioner

Versus

State of Himachal Pradesh and others

... Respondents

Coram

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

Whether approved for reporting?¹

For the petitioner : Mr. M.A. Safee, Advocate.

For the respondents : Mr. Rahul Thakur, Deputy
Advocate General for respondents-
State.

: Mr. Sparsh Bhushan, Advocate for
respondents No. 5 to 9.

Ajay Mohan Goel, Judge (Oral)

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

“A That Your Lordships may graciously be pleased to issue the
Writ in the nature of Certiorari quashing and setting aside the
clarification/communication dated 03.03.2026 (Annexure P-9),
whereby the respondents have directed that only those Junior
Basic Teachers who fulfilled the eligibility conditions under the pre-
existing Recruitment and Promotion Rules be considered for
promotion to the post of TGT (Hindi), being contrary to the Himachal
Pradesh Elementary Education Department, Trained Graduate
Teacher (Hindi), Group-C Recruitment and Promotion Rules, 2025

¹ Whether reporters of the local papers may be allowed to see the judgment?

and the settled principles of law;

B. That Your Lordships may graciously be pleased to issue the Writ in the nature of Certiorari, quashing and setting aside the proceedings of the Departmental Promotion Committee held on 31.03.2026 and the consequential promotion order dated 31.03.2026 (Annexure P-7), to the extent the same have been undertaken by applying the repealed Recruitment and Promotion Rules and have excluded the petitioner from consideration for promotion to the post of TGT (Hindi).

C. That Your Lordships may graciously be pleased to issue the Writ in the nature of Mandamus, directing the respondents to consider and promote the petitioner to the post of TGT (Hindi) strictly in accordance with the Himachal Pradesh Elementary Education Department, Trained Graduate Teacher (Hindi), Group-C Recruitment and Promotion Rules, 2025, by treating the petitioner as eligible on the date of consideration by the Departmental Promotion Committee, with all consequential benefits:

D. That Your Lordships may graciously be pleased to issue the Writ in the nature of Mandamus, directing the respondents to convene a Review Departmental Promotion Committee for considering the case of the petitioner for promotion to the post of TGT (Hindi) in accordance with the Recruitment and Promotion Rules, 2025 and to grant him promotion from the date his immediate junior came to be promoted, along with all consequential benefits including seniority, pay fixation, arrears of pay and allowances and all further promotional benefits.”

2. When a similar matter, i.e. CWP No. 9745 of 2026, was listed before the Court on 19.06.2026, the following order was passed:-

“CWP No. 9745 of 2026

Notice. Mr. Pushpinder Jaswal, learned Additional Advocate General, accepts notice on behalf of respondents No.1 to 4. Issue separate notice to respondents No. 5 to 9, returnable for 07.08.2026, on steps for service being taken within two weeks. Reply on behalf of respondents No.1 to 4, as prayed for, by the next date.

List on 07.08.2026.

CMP No.14301 of 2026

Notice and reply in above terms. Learned Counsel for the petitioner has referred to Annexure P-9 and submitted that in terms of Annexure P-9, a direction was issued by the Director of School Education to the Deputy Director of School Education (Elementary), Chamba, HP, that for promotion to the post of Language Teacher from amongst in-service JBTs, only those JBTs be considered who fulfill all the eligibility criteria as per the Recruitment and Promotion Rules of Language Teachers, i.e. Educational/ Professional qualification and tenure on or before 18.02.2025, i.e. the date of notification of the

Recruitment and Promotion Rules of TGT (Hindi). Learned Counsel by referring to Annexure P-2, i.e. notification dated 18.02.2025, submitted that once the Himachal Pradesh Elementary Education Department, Trained Graduate Teacher (Hindi), Group-C, Recruitment and Promotion Rules, 2025, were notified and also published in the Rajpatra on 22.02.2025, the old rules stood repealed in terms of Rule 2 of 2025 Rules and therefore, by no stretch of imagination, the DPC after the notification of 18.02.2025 Rules could have been held on the basis of 2009 Rules. Learned Counsel further submitted that the promotions should have been recommended by the DPC on the basis of Recruitment and Promotion Rules, which were in vogue as on the date when the DPC was conducted. Thus, he submitted that as the promotion order is prima facie bad, the operation thereof be stayed.

Learned Additional Advocate General submitted that the promotion order is dated 31.03.2026 and the incumbents have already joined.

This Court is of the considered view that as the promotion order under challenge is prima facie bad in law because the same obviously is a result of exercise that was undertaken by the DPC by following Annexure P-9, the operation thereof has to be stayed during the pendency of

the petition because continuation thereof would only amount to giving legitimacy to an illegality prima facie committed by the Authorities. Therefore, till further orders, the operation of promotion order Annexure P-7 is hereby stayed. The respondent-Department to ensure that the order passed by this Court is complied in letter and spirit.”

3. Today, when the case was taken up for consideration on a mention being made on behalf of the private respondents.
4. Learned Deputy Advocate General has handed over to the Court an office order dated 16.07.2026, relevant portion whereof reads as under:-

“OFFICE ORDER

In compliance to the directions of the Hon’ble High Court of Himachal Pradesh issued on dated 19.06.2026 in CWP No. 9745/2026 titled as PremLal Versus State of HP & others, ‘office order No: EDN-CHM-ELE (E-3)B(6)107/15/10324-27 dated 31.03.2026 issued by this office vide which in-service Junior Baise Teachers (JBTs) were promoted to the post of Language Teacher (LT) is hereby withdrawnand the following teachers are adjusted/shifted against the vacant post of JBT with immediate effect:

Sr. No.	Name of Teachers (Sh./Smt.)	Name of School	Name of GPS where adjusted now	Remarks
1.	Kartar Singh	GHS Shakidehra u/c GSSS Sirkund	GPS Nandlera (E.B. Kiani)	
2.	Dimple	GSSS Baat	GCPS Kiri (E.B.Mehla-II)	

3.	Piyush Raj	GHS Kuther u/s GSSS Jadera	GPS Mouwa (E.B., Kiani	
4.	Mussadi Ram	GSSS Kohal	GPS Chhajot (E.D. Kalhel)	
5.	Hem Lata	GHS Mundah u/s GSSS Salooni	GPS Kassar (E.B. Salooni)	

5. In the light of issuance of this office order, as the grievance and as the issue on the basis whereof, the present writ petition was filed, loses its efficacy, this petition is disposed of by taking office order dated 16.07.2026 on record.

6. It is clarified that as the present writ has not been decided by this Court on merits, any observation that was made by this Court while passing the interim orders becomes otiose.

7. Learned Counsel for the private respondents submits that the private respondents be given liberty to agitate/ assail office order dated 16.07.2026.

All that this Court can observe is that anyone who is aggrieved by office order dated 16.07.2026, is at liberty to agitate the same in accordance with law. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

July 29, 2026
(narender)