



2025:HHC:39644

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.13720 of 2024

Decided on: 24th November, 2025

Shakuntla Devi

.....**Petitioner**

Versus

The Secretary (MPP & Power)
and another

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. Rakesh Kumar Sharma, Advocate.

For the Respondents: Ms. Menka Raj Chauhan, Deputy
Advocate General, for respondent No.1.

Mr. Anil Kumar, Advocate, for
respondent No.2.

Jyotsna Rewal Dua, Judge

CMP No.28078 of 2025

Allowed and disposed of.

CWP No.13720 of 2024

Even though the respondents have not filed
reply, however, with the consent of learned counsel for the
parties, the matter is heard at this stage.

2. The petitioner has prayed for the following
substantive reliefs:-

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



- “(i) Issue a Writ of Certiorari by modifying the notification dated 30-7-2022 i.e. Annexure P-6 with a direction to the respondents that the 4% promotional quota for disabled persons may kindly be provided from the date i.e. 30-06-2016 as has been provided by the Government of India vide its notification dated 28-12-2023, in view of the judgment of Hon’ble Supreme Court of India i.e. Rajeev Kumar Gupta’s case decided on 30-06-2016 and also provided by the Government of Himachal Pradesh vide its notification dated 27-08-2024 i.e. Annexure P-10.
- (ii) That the respondent department may kindly be directed to consider the case of the petitioner for further promotion i.e. Superintendent Grade-II from the back date as and when the petitioner was fully eligible for further promotion and grants her all the consequential benefits accidental thereof.”

3. Learned counsel for the petitioner submits that the office circular dated 27.08.2024, issued by the Government of Himachal Pradesh, Department of Personnel on the subject ‘Reservation in promotion to Persons with Benchmark Disabilities in the services of the State Government’, has been adopted by respondent No.2-State Electricity Board Limited under office letter dated 27.06.2025. Copy of the said office letter has been placed on record. Learned counsel further submits that the office circular dated 27.08.2024, *inter alia*, adverts to and is based upon the decision of the Hon’ble Apex Court rendered in **Siddaraju Versus State of Karnataka and others²**, wherein it was held that the previous decision of

² Civil Appeal No.1567/2017, decided on 03.02.2017



the Hon'ble Apex Court in ***Rajeev Kumar Gupta versus Union of India***³, would bind the Union & State Government and it must be strictly followed.

Learned counsel for the petitioner also submits that in light of the subsequent development in respondent-State Electricity Board Limited, adopting the office circular dated 27.08.2024 vide its office letter dated 27.06.2025, the petitioner be permitted to make a representation to respondent No.2 for the redressal of her grievances raised in this writ petition concerning her promotion under 4% promotional quota for disabled persons and the said authority be directed to consider and decide the said representation in accordance with law within a fixed-time schedule. Learned counsel appearing for the respondents are not averse to this prayer.

4. Having regard to the afore-submissions and keeping in view the aforesaid decisions of the Hon'ble Apex Court as also office circular dated 27.08.2024 and office letter dated 27.06.2025, but without examining the merits of the matter, this writ petition is disposed of by permitting the petitioner to prefer a representation to respondent No.2 within two weeks from today, whereafter, the same shall be

³ WP(C) No.521/2008, decided on 30.06.2016



considered and decided by respondent No.2/competent authority in accordance with law within a period of six weeks thereafter. The decision so arrived at shall also be communicated to the petitioner.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

November 24, 2025
Mukesh

Jyotsna Rewal Dua
Judge