

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.967 of 2025
Date of Decision: 25.11.2025**

Hem Raj Sharma		Petitioner
	Versus	
State of H.P. and Others		Respondents

*Coram:****Hon'ble Mr. Justice Sandeep Sharma, Judge.****Whether approved for reporting? ¹*

For the Petitioner: Mr. Rajesh Verma, Advocate.**For the Respondents:** Mr. Vishal Panwar, Additional Advocate General.

Sandeep Sharma, Judge (oral):

Precisely, the grouse of the petitioner, who at present is working as DPE on regular basis, is that he ought to have been regularised w.e.f. year 2022 instead of year 2024, in terms of Notification dated 10.10.2022, issued under the signatures of Additional Secretary (Higher Education) to the Government of Himachal Pradesh (Annexure P-2), wherein it came to be decided that PTA provided teachers (school cadre), working under GIA to PTA's Rules, 2006, engaged/re-engaged after abolishment of PTA GIA Rules, 2006, shall be regularised from the prospective date. Since at the time of issuance of afore Notification, petitioner was working as DPE on PTA basis, he ought to have been regularised w.e.f. year 2022, however, in the instant case, he has been regularised w.e.f. year 2024.

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



2. Precisely, the facts of the case, as emerge from the pleadings adduced on record by the respective parties are that petitioner herein was engaged as DPE in Government Senior Secondary School Thona, Tehsil Sarkaghat, District Mandi, H.P. on 01.10.2008 on PTA basis, however, his services were disengaged on 24.12.2010, on account of joining of regular hand. He was again allowed to join as DPE on 07.04.2011 in compliance of judgment passed by this Court in CWP No.785 of 2011. Though services of the petitioner were once again terminated, but he was re-engaged on same terms & conditions in compliance of order dated 23.04.2012 passed by this Court in CWP No.785 of 2011. In compliance to aforesaid order passed by this Court, petitioner herein was re-engaged by local PTA of the concerned School. Vide Notification dated 10.10.2022, issued under the signatures of Additional Secretary (Higher Education) to the Government of Himachal Pradesh, Government of Himachal Pradesh decided to regularise the services of PTA provided Teacher (school cadre), working under GIA to PTA's Rule, 2006, engaged/re-engaged after closing of PTA GIA Rules, 2006.

3. In terms of aforesaid Notification, number of PTA provided Teachers, who either were engaged/re-engaged after issuance of aforesaid Notification were regularised, however, petitioner, who admittedly was re-engaged twice, first on 07.04.2011 and subsequently on 13.06.2012, in terms of order/judgment passed by this Court in CWP



No.785 of 2011, was not regularised. Subsequently, another Notification dated 16.03.2024 (Annexure P-3) came to be issued, reiterating that services of PTAs provided Teachers (school cadre), working under GIA to PTA's Rule, 2006, engaged/re-engaged after abolishment of PTA GIA Rules, 2006, shall be regularised. After issuance of aforesaid Notification, services of the petitioner came to be regularised prospectively vide order dated 26.06.2024 (Annexure P-4).

4. In nutshell, grouse of the petitioner is that since he was eligible to be regularised in terms of Notification dated 10.10.2022 (Annexure P-2), he ought to have been regularised w.e.f. year 2022 and not from year 2024, as has been done in the case of the petitioner. If the reply filed by respondents is perused in its entirety, it clearly reveals that though petitioner herein was engaged on PTA basis on 01.10.2008, but his services were disengaged on 24.12.2010, on account of joining of regular hand. Petitioner was again allowed to join as DPE on 07.04.2011 in compliance of judgment passed by this Court in CWP No.785 of 2011, but again his services were terminated. Ultimately vide order dated 23.04.2012, petitioner was re-engaged by local PTA of the School concerned and since then he has been continuously working in the School concerned. Once it is apparent from the facts, as detailed hereinabove, that petitioner was very much in service at the time of issuance of Notification dated 10.10.2022, there was no occasion, if any, for respondents to not regularise the services of the petitioner w.e.f. the



date, aforesaid Notification was issued. However, in the instant case, services of the petitioner were not regularised in the year 2022, rather same came to be regularised in the year 2024, pursuant to Notification dated 16.03.2024 (Annexure P-3).

5. Having taken note of aforesaid glaring aspect of the matter, this Court specifically called upon learned Additional Advocate General to have instructions that why services of the petitioner were not regularised w.e.f. year 2022. In response to aforesaid order, learned Additional Advocate General has placed on record communication dated Nil issued under the signatures of Director, School Education, Himachal Pradesh, reiterating therein facts, as have been noticed hereinabove. No plausible reasoning has been assigned in the aforesaid communication for not considering the case of the petitioner for regularisation in terms of policy decision taken vide communication dated 10.10.2022 (Annexure P-2).

6. Though Mr. Vishal Panwar, learned Additional Advocate General, while referring to the afore communication attempted to argue that vide afore communication, only 40 PTA provided Teachers were regularised, but he was unable to dispute that in terms of aforesaid communication dated 10.10.2022 (Annexure P-2), all the PTA provided Teachers (school cadre), working under GIA to PTA's Rules, 2006, engaged/re-engaged after abolition of PTA GIA Rules, 2006, were liable to be regularised. If it is so, there appears to be merit in the contention of



learned counsel representing the petitioner that his services ought to have been regularised w.e.f. year 2022 instead of year 2024.

7. Consequently, in view of the above, this Court finds merit in the present petition and accordingly the same is allowed. Respondents are directed to regularise the services of the petitioner w.e.f. year 2022, in terms of Notification dated 10.10.2022 (Annexure P-2) forthwith and consequential benefits, if any, may also be released expeditiously, preferably, within a period of four months.

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

**(Sandeep Sharma),
Judge**

November 25, 2025
(*Rajeev Raturi*)