

RAJESH KUMAR
Versus
THE STATE OF HP AND OTHERS

CWP-17897 of 2025

18.11.2025

Present: Mr. Dilip Sharma, Sr. Advocate, with Mr. Manish Sharma, Advocate, for the petitioner.

Mr. Rajan Kahol, Additional Advocate General, with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocates General, for State.

CWP-17897 of 2025 & CMP-27577 of 2025

Notice. Mr. Rajan Kahol, learned Additional Advocate General, appears and waives service of notice on behalf of respondents No.1 & 2/State.

2. Separate notice to respondent No.3 be also issued, on taking steps within a period of two days, returnable within four weeks.

3. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Dilip Sharma, learned Senior Counsel representing the petitioner is that seniority list of 2023 of Professors of H.P. Medical Education Department (Teaching Wing) posted in Government Medical Colleges/Institutions of the State, finalised on 03.05.2023 (Annexure P-8) has been changed vide impugned seniority list dated 27.10.2025 (Annexure P-17), on the basis of office memorandum dated 16.09.2022 issued by the Government of India, which has not been adopted by the State of H.P. till date.

4. It is also the case of the petitioner that earlier representation filed by the private respondent for change in seniority list was rejected by the Government of H.P. vide order dated 29.01.2024 (Annexure P-10), relying upon judgment dated 09.08.2011 passed by the Hon'ble Apex Court in Civil Appeal No.7002 of 2004, titled as D.P. Das Vs. Union of India and Others, but now taking a u-turn and relying upon the instructions, which have not been adopted by the State, prayer made on behalf of private-respondent has been accepted, as a result thereof, private-respondent, who is otherwise junior to the petitioner, has been placed higher to the petitioner in the seniority list.

5. Having taken note of the fact that earlier representation filed by the private respondent was rejected by the respondents/State, placing reliance on the judgment passed by the Hon'ble Apex Court, wherein it came to be ruled that in cases where appointment made is on the same date, person senior in age would rank higher in the seniority list, coupled with the fact that till date, instructions dated 16.09.2022 issued by the Government of India have not been adopted by the Government of Himachal Pradesh, this Court is persuaded to accept the prayer made on behalf of the petitioner for grant of interim relief.

6. In view of the above, it is ordered that till the next date of hearing, seniority list dated 27.10.2025 (Annexure P-17) shall not be given effect to.

List on 16.12.2025.

November 18, 2025

(Rajeev Raturi)

**(Sandeep Sharma),
Judge**