

**OFFICE ORDER**

**In the matter of CWP No. 6987/2024 titled as Munish Kumar, TGT(A) Vs State of H.P.(Regarding SMC GIA).**

Whereas, in CWP No. 6987/2024 titled as Munish Kumar Vs State of H.P. and ors the Hon'ble High court of HP has passed the following orders/judgments:-

*"3. Consequently, in view of the above, present petition is disposed of with direction to the respondents to consider and decide representation (Annexure P-4) having been filed by the petitioner in light of Villam Singh and Hans Raj (supra), expeditiously, preferably, within four weeks. In case, petitioner is found to be similarly situate to the petitioners in the aforesaid judgments, she would be extended similar benefits. Needless to say, authority concerned while doing the needful in terms of the instant order shall afford an opportunity of hearing to the petitioner and pass detailed speaking order thereupon. All pending applications stand disposed of"*

Whereas, the petitioner Sh. Munish Kumar S/o Sh. Kuldeep Kumar, presently working as TGT (Arts) on local SMC Basis in GHS Kilod-II U/c GSSS Kihar, Distt. Chamba, (H.P.) was called for personal hearing on 17.06.2025. During course of hearing the grievance of the petitioner was heard at length and the petitioner Sh. Munish Kumar also submitted a representation by stating therein that her case is squarely covered under the judgment delivered by the Hon'ble High Court of HP in CWP No. 2467/2015- titled as Villam Singh Vs State of HP & others and CWP No. 673/2020- titled as Hans Raj Vs State of HP & others. Therefore, the benefits of SMC GIA scheme be extended to him accordingly.

Whereas, the case of the petitioner is examined thoroughly and it is found that the petitioner Sh. Munish Kumar was appointed by the local SMC of the School by passing a resolution on dated 07.05.2016 on voluntary basis without remuneration. Subsequently, on 03.12.2016, another SMC resolution was passed to continue his services until the post remains vacant. On 31.03.2022, an SMC resolution was passed to collect ₹ 100/- per student for payment to him. However, no official record of this collection of payment was maintained in the said school.


Whereas, the Government of HP notified SMC policy on 17.7.2012 to engage teachers in education department in hard/tribal areas which was extended around the state on 16.8.2014 irrespective of area to all the schools which were upgraded during academic session 2013-14 and 2014-15 in which they fall and to all sanctioned posts of

teaching cadre which have remained vacant for over two years from the date of issue of this notification.

Whereas, after perusal of Sh. Villam Singh in CWP No. 2467/2015- titled as Villam Singh Vs State of HP & others revealed that he was engaged against the post of PGT(Pol. Sc.) by the concerned School Management Committee of GSSS Dhar Chandna, and was eligible for the post of Lecturer Political Science as per the then R&P Rules(the school was located in Non Tribal/Difficult areas, Distt. Shimla) by way of passing resolution dated 05.05.2012, whereas, the Govt. vide notification dated 20.09.2014, notified GSSS Dhar Chandna, Tehil Kupvi as Tribal/Difficult area. In compliance to the HHC order in CWP No. 2467/2015, GIA has been released in his favour w.e.f. 20.09.2014. Thus, the case of present petitioner is different from Villam Singh's case as the petitioner Sh. Villam Singh was engaged by concerned SMC before the notification of SMC policy. Whereas, the petitioner of the present petition was appointed by the local SMC of the School by merely passing a resolution on dated 07.05.2016 on voluntary basis without remuneration, even after the notification of SMC policy. Subsequently, on dated 03.12.2016, another SMC resolution was passed to continue his services until the post remains vacant.

Whereas, CWP No.673/2020-Hans Raj Vs State the petitioner was appointed as a Drawing Teacher in GSSS Himgiri, Distt. Chamba HP on 01.06.2013 by School Management Committee of the school. However, Hans Raj's case has not attained finality, as the same is under consideration with law Department for filing SLP in the Hon'ble Apex court.

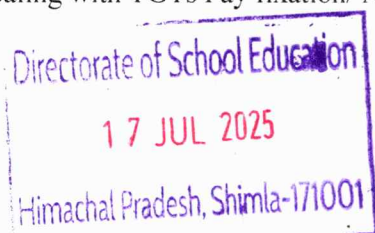
Therefore, in view of the above, I am of the considered view that the petitioner of the present petition was not entitled for Grant-in -Aid under SMC policy as the case of petitioner is different from Villam Singh's case and Hans Raj's case has not attained finality. Hence, the representation of the petitioner is hereby considered and rejected accordingly.

  
Director School Education  
Himachal Pradesh, Shimla-I  
July, 2025

Endst. No. Even Dated: Shimla-01, the

Copy forwarded for information and necessary action to:-

1. The Secretary (Education) to Govt. of Himachal Pradesh w.r.t. CWP ibid.
2. The Ld. Distt. Attorney (Education), Directorate of Elementary Education, HP w.r.t. above CWP.
3. The Deputy Director of Elementary Education Kullu, Distt. Chamba(HP).
4. The Principal, GHS Kilod-II, U/c GSSS Kihar, Distt. Chamba(HP).
5. Sh. Munish Kumar, son Kuldeep Kumar, Resident of Village and Post Office Kilod, Tehsil Salooni, District Chamba, H.P
6. The In-charge IT Cell(Internal) to upload the same on departmental website of this Directorate.
7. The DA dealing with TGTs Pay fixation/ ACPs for necessary information.



Director School Education  
Himachal Pradesh, Shimla-I