No.PER(AP)-C-B(12)-1/2013
Government of Himachal Pradesh
Department of Personnel (AP-III)

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Dated: Shimla-171002, the 18th March, 2020

From

The Additional Chief Secretary (Personnel) to the
Government of Himachal Pradesh.

To

1. All Administrative Secretaries to the Government of Himachal Pradesh.
2. All Divisional Commissioners in Himachal Pradesh.
3. All Heads of Departments in Himachal Pradesh.
4. All Deputy Commissioners in Himachal Pradesh
5. All the Chairmen/Managing Directors/Secretaries & Registrars of all the Public Sector Undertakings/ Corporations/Boards/Universities, etc. in H.P.

Subject: Reservation of vacancies for Ex-servicemen and the dependent sons, daughters and wives of Ex-Servicemen-procedure regarding filling-up of these vacancies.

Madam/Sir,

I am directed to refer to the subject cited above and to say that the State Government has issued instructions vide this department letter No. PER(AP)-C-B(12)-1/2014, dated 09.06.2014 regarding eligibility of dependent sons, daughters, wives of Ex-servicemen and procedure for filling up of posts reserved for Ex-servicemen in the event of non-availability of suitable candidates. The existing instructions do not have mention about the married daughters of Ex-servicemen. These instructions provide that in the event of non-availability of suitable/eligible candidate against the post reserved for Ex-servicemen, even after carrying forward the vacancy to 2nd and 3rd Calendar years, the dependent sons, daughters and wives of Ex-servicemen shall be considered to fill up the same.

2. The Hon'ble High Court in CWP No.2958/2009-titled as Jyoti Kumari & ors. Vs. Secretary Education and anr. vide its judgment dated 18.05.2015 has observed that the action of the respondents for not considering the petitioners (married daughters of Ex-servicemen) as wards of Ex-servicemen, is wholly unreasonable and arbitrary. The Hon'ble High Court further asserts that State Government cannot discriminate on the ground of gender while giving benefit of reservation only to the married sons and not the married daughters and the same

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was held to be contrary to the provisions of Article 14, 15 and 16 of the Constitution of India. This judgment has further been assailed in LPA No. 215 of 2015 wherein the Hon'ble High Court of H.P. has adjourned sine die the matter reserving liberty to the parties to revive the same, after the decision of Hon'ble Apex Court in SLP (C) No. 31435 of 2016 in the matter of married daughters/grand-daughters of freedom fighters.

3. In compliance to the judgment passed by the Hon'ble High Court of Himachal Pradesh in CWP No.952/2019-titled as Banita Devi versus State of Himachal Pradesh & others, which case is also tagged with SLP (c) No. 31435 of 2016, has issued instructions vide General Administration Department's letter No.GAD-E-(E)3-3/2019, dated 26.07.2019 & 23.09.2019 to all the Deputy Commissioners/SDMs of Himachal Pradesh to issue provisional ward of freedom fighter certificate to the married daughters/ granddaughters of freedom fighters.

4. Similarly, the State Government has decided to include married daughters of Ex-servicemen for eligibility amongst dependent sons, daughters and wives of Ex-servicemen in the event of non-availability of suitable Ex-servicemen candidates, provisionally, subject to the final outcome of court matter pending before the Hon'ble Supreme Court of India.

Yours faithfully,

(O.P.Bhandari)
Deputy Secretary (Personnel) to the
Government of Himachal Pradesh

प्रारंभिक शिक्षा निदेशालय (हि.प्र.)
23 MAR 2020
शिमला-1

DIRECTORATE OF ELEMENTARY EDUCATION
HIMACHAL PRADESH, LALPANI, SHIMLA-171001

Endorsement No: EDN-H (Ele)A-1/2005-08(128) Vol-I , dated: March, 2020.

Copy for information and necessary action to: -

1. The Joint Director(S), Directorate of Elementary Education, HP Shimla-1.
2. Joint Controller (F&AS), Directorate of Elementary Education, HP Shimla-1.
3. All the Deputy Director of Elementary Education, Himachal Pradesh.
4. All the Branch Officers/Superintendents, Directorate of Elem. Edu. HP Shimla-1.
5. The Joint Controller/Section Officer (F&AS), Directorate of Elem.Edu. HP Shimla-1.
6. The Nodel Officer (IT cell), Directorate of Elementary Education, Himachal Pradesh, Shimla-1 with the remarks to upload the same on departmental website.
7. P.S. to the DEE/P.A.to the Joint Director (Admn.) Dte. of Elem. Edu. HP. Sml-1
8. Guard file

(Hitesh Azad) HPAS,
Joint Director (Administration),
Directorate of Elementary Education,
Himachal Pradesh, Shimla-171001