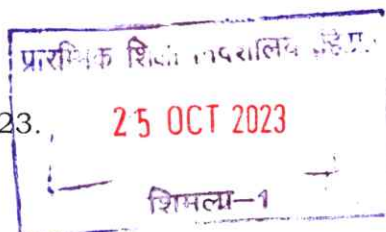


No.EDN-H(2)B(9)CWP1581/2023-Sty.  
Directorate of Elementary Education.  
Himachal Pradesh.

Dated: Shimla-171001, May, 2023.



ORDER.

In the matter of :- CWP No.1581/2023-titled as Sh. Sher Singh Vs. State of H.P. and Ors.

The present writ petition was filed by the petitioner thereby seeking the relief to the extent that his representation may kindly be decided and proper and correct seniority Number may be assigned to him. The present writ petition was listed before the Hon'ble High Court on 31.03.2023 when the following orders were passed:-

"Accordingly without adverting to the merits of the case this petition is dispose of with a direction to respondent No.2 to consider and decide the representation, Annexure P-5, moved by the petitioner expeditiously, in accordance with law, preferably within six weeks from the date of receipt of the copy of this order".

In compliance to the orders passed by the Hon'ble High Court the petitioner made representation with the request to decide the same in accordance with law. The record of the case was perused which revealed that the inter-se seniority list was prepared on the basis of batch-wise merit which was prepared on the basis of counseling conducted w.e.f. 16.8.1993 to 31.8.1993 (for all categories viz. Arts, Medical and Non Medical) respectively. The petitioner has been appointed on dated 30.04.1994 under OBC category on batch-wise basis much earlier than his contemporary batch mates (belonging to Gen./IRDP/SC/ST etc.) of B.Ed. session of 1989-1990, many of whom were appointed during the year, 1996. It is pertinent to submit here that all these persons were appointed in different years on the basis of consolidated merit framed by conducting the same interview. In the inter-se tentative seniority list, seniority number 10632-A was allotted to the petitioner as per merit on the basis of representation as well as on the basis of circular No. EDN-H(2)B(9)7-17/95 Vol.VII, dated 19.4.1999 vide which the objections were invited upto 30.6.1999.

Again after entertaining all the objections a combined tentative seniority list was circulated vide circular No. EDN-H(2)B(9)7-17/95. Vol.VIII, dated 10.2.2003 and the tentative seniority number of petitioner was 6148. But no objection was raised by the petitioner at that relevant time. It is pertinent to mention here that the objections were invited upto 31.5.2003.

2

After considering all the objections, the above said seniority list was finalized vide circular number:EDN-H(2)B(9)7-17/95-Vol.VIII, dated 31.12.2003 and the petitioner was allotted final seniority number 6131. The seniority list has been prepared on the basis of merit but not on the basis of date of joining.

The contention of the petitioner is that he is appointee of the year 1994 and he was wrongly assigned the seniority amongst the appointees of 1996. In this regard, it is submitted that the petitioner with his contemporary batch mates were appointed on the basis of merit which was framed on the basis of interview conducted w.e.f. 16.08.1993 to 31.08.1993. The seniority is always assigned on the basis of Merit but not on the basis of joining. Moreover, at this belated stage, any intervention in the seniority list of such huge cadre, that too without any merit in the grounds, will unsettle the settled position creating grounds for unnecessary future litigation and will also create administrative chaos.

In view of the reasons quoted here-in-before, there is no force in the contention of the petitioner and his representation is hereby rejected after due consideration as he has been assigned seniority No.6131 rightly on the basis of merit. With these observations the representation of the petitioner dated 20.08.2022 is considered and disposed of accordingly. Let a copy of this order be sent to all the concerned.

**Regd.**

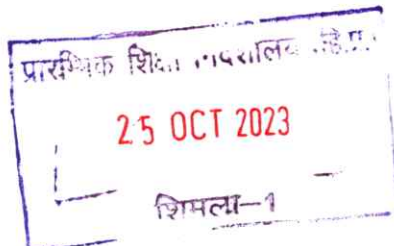
1. Sh. Sher Singh S/O Sh. Gopal Singh,  
Resident of Village and P.O. Tulah,  
Tehsil Jogindernagar, Distt. Mandi,  
H.P. presently posted as Head Master  
GHS Simas, Tehsil Ladhbharol, District Mandi, H.P.

  
DIRECTOR

Endst No. Even Dated Shimla-171001 October, 2023

Copy for information and necessary action to:-

- 1 The Director of Higher Education Shimla-171001.
2. Ld. District Attorney (Education), Directorate of Elem. Edu. H.P. w.r.t. his office U.O.No.EDN-H(18)LC-814/2023-Mandi dated 16<sup>th</sup> Oct., 2023 please.
3. The Deputy Director of Elementary Education Mandi, Distt. Mandi H.P.
4. Incharge, I.T. Cell, Directorate of Elementary Education, H.P. Shimla-1 with the direction to upload this letter on departmental website.
5. Guard file.



  
DIRECTOR