

No: EDN-H(2)B(2)34/2021-Regularization (Contract)  
Directorate of Elementary Education  
Government of Himachal Pradesh

Dated Shimla the July, 2024

**ORDER**

Whereas, Smt. Shelly was appointed as TGT (Arts) at GSSS Bandla Distt. Bilaspur vide this Directorate office order No. EDN-H(2)B(2)5&6/2016-TGTs (Batchwise) dated 03.11.2016 and joined at the respective place of posting on dated 04.11.2016. As per Government letter No. PER (AP) C-B(2)-1/2019 dated 22.04.2020, you had been completed three years of continuous service on contract basis as on 31.03.2020 and your case was received for regularization from the Dy. DEE Bilaspur Distt. Bilaspur, but during scrutiny of your case for regularization by the screening committee, it is found that you have passed the B.Ed. degree from Bhartiya Shiksha Parishad, Uttar Pradesh which has been declared a fake university by the UGC, Delhi. Hence, your services were not regularized by the Department and a clarification was sought from the UGC, Delhi by the Department vide letter No. EDN-H(2)B(2)34/2020-Regularization dated 05.08.2020 & 09.10.2020. The UGC, Delhi vide letter No. F.No.2-1/2012(AMPC) dated 22.11.2021 informed this Directorate that Bhartiya Shiksha Parishad, Lucknow (U.P.) is not recognized by the UGC under Section 2(f) and Section 3 of the UGC Act, 1956 and it's any degree i.e. B.A./B.Com/B.Sc. and B.Ed. is not valid for the purpose of Government employment as well as Pursuing higher studies. Therefore, in view of clarification received from UGC Delhi, a notice was served to you by the Department as per condition No. 13 and 15 in Annexure-A of the terms and conditions of your appointment order on contract basis that "The appointee shall have to submit an undertaking to the effect that he/she has passed educational/professional qualification from a recognized University/institution. If at any stage, it is detected that his/her educational & professional qualification are not from a recognized University/institution then the services are liable to be terminated forthwith."

And whereas, you had filed the CWP No. 2324/2020 before the Hon'ble High Court of HP with the grievances to quashing the impugned order of dated 24.02.2022 and continue the services as TGT in the department. The Hon'ble Court has dismissed the said writ petition by issuing the following order:-

*"The contractual engagement of the petitioner was liable to be terminated if at any stage it was found that her degrees were not from a recognized university/ institute. In Hem Prabha's decision, supra, a conclusive finding has been returned that the B.Ed. degree obtained from Bhartiya Shiksha Parishad, Uttar Pradesh is not from a recognized university. In view of decision of Hon'ble Apex Court in Hem Prabha's case, supra, the other contentions raised by the petitioners are not required to be gone into.*

*In view of the above discussion, no interference in the impugned orders, terminating the services of the petitioners, is called for. There is no merit in the*

instant petitions. The same are accordingly dismissed alongwith pending miscellaneous application(s), if any."

In compliance to the orders of the Hon'ble Court and as per the condition No. 13 and 15 in Annexure-"A" of the terms and conditions of your appointment order dated 03.11.2016, your services from the post of TGT (Arts) was terminated/cancelled by this Directorate order dated 08.09.2023.

Feeling aggrieved, you have filed LPA No. 156/2023 titled as Shelly Vs State of HP & ors. before the Hon'ble High Court of HP which has been disposed off by the Hon'ble Court on 14.05.2024 as under :-

"Since the issue in question stands authoritatively decided in Hem Prabha's case (supra), obviously, neither the writ Court nor this Court would have any option, save and except to dismiss the case of the petitioners(s)/appellant(s)"

Accordingly, we find no merit in these appeals and the same are are dismissed, leaving the parties to bear their own costs."

Therefore, in compliance to the orders/judgment of the Hon'ble High Court of HP and as per the condition No. 13 and 15 in Annexure-"A" of the terms and conditions of appointment order dated 03.11.2016, the services of Smt. Shelly w/o Sh. Chaman Lal, Village & Post Office Kandror, Teh. Sadar, District Bilaspur, HP presently working as TGT (Arts) at GSSS Kandror, District Bilaspur, HP is hereby terminated/cancelled with immediate effect.

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Copy forwarded for information and further necessary action to:

1. The Secretary (Education) to the Govt. of H.P.
2. The District Attorney (Edu.) (Internal) w.r.t. CWP & LPA No. ibid.
3. The Deputy Director of Elementary Education Bilaspur, District Bilaspur, HP.
4. (Regd) The Principal, GSSS Kandror, District Bilaspur, HP for strict compliance.
5. (Regd) Smt. Shelly w/o Sh. Chaman Lal, VPO Kandror, Teh. Sadar, Distt. Bilaspur, HP.
6. The Incharge, IT Cell (Internal) with the request to upload the same on the departmental website of this Directorate.
7. The Dealing Assistant Seniority (Internal), Dte. of Elem. Edu. HP.
8. The Dealing Assistant Transfer Seat (Internal), Dte. of Elem. Edu. HP.
9. Smt. Shelly, TGT (Arts), GSSS Kandror, Distt. Bilaspur, HP.
10. Guard file.

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

20 JUL 2024

शिमला-1

DIRECTOR  
July, 2024

DIRECTOR