

Dated: Shimla-171001 the September, 2024

ORDER

In the matter of: CWP No. 7159/2024-titled as Tilak Raj & others Vs. State of HP and others decided on 24.07.2024 by the Hon'ble High Court of H.P.

That the above case was listed for final hearing on 24.07.2024 before the Hon'ble High Court of HP when the same was disposed of by way of passing following judgment. Operative part of the judgment is as under: -

1. *Taking into consideration the fact that the petitioners have directly approached this Court without firstly making representations to the employer vis-à-vis the relief being claimed in the petition, as prayed for, this writ petition is disposed of by granting liberty to the petitioners to file appropriate representations to the respondent vis-à-vis the issue raised in the present petition.*
2. *In the event of any such representations being filed within four weeks', let appropriate decision thereupon be taken by the respondent within eight weeks' as from the date of the receipt thereof.*

The representation of the petitioners was received in this office wherein they have sought the relief as reproduced below:-

"This representation may kindly be taken into consideration and the applicants may kindly be considered as TGT (Hindi) & TGT (Sanskrit) in all respect and grant them, the pay scale of TGTs from the due date in light of the judgment dated 04.09.2023 passed by the Hon'ble High Court of Himachal Pradesh in CWP NO. 2171/2023, titled as Hem Raj & others V/s State of H.P. and they may kindly also be considered for promotion to the post of PGT/Lecturer (School-New) alongwith other similarly situated persons i.e. TGT (Medical), TGT (Non-Medical) & TGT (Arts)"

Whereas, the case of the petitioner has been examined in compliance to the judgment passed in CWP No. 2171/2023 titled as Hem Raj vs. State of HP & others taking into consideration the Notification of the Government issued vide No. EDC-B(15)15/2011 dated 20-08-2022 which says, "all Bachelor of Education (B.Ed.) qualified and Teacher Eligibility Test (TET) passed Shastris and Language Teachers (LTs) working in the Elementary Education Department are to be designated as Trained Graduate Teachers (Sanskrit) and Trained Graduate Teachers (Hindi) in their respective pay scale structure." Therefore, no financial benefits were granted to these categories, and merely their nomenclature was changed to TGT (Sanskrit) and TGT(Hindi) and that too for only those Shastri/Language Teachers who are B.Ed. qualified and TET pass.

Whereas, consequent upon the change of nomenclature of the post from Shastri/Language Teacher to TGT (Sanskrit/Hindi), Sh. Hem Raj and others filed CWP No. 2171/2023 in the Hon'ble High Court, seeking the pay scale of TGTs and promotional avenues to the post of Lecturer(School Cadre).

Whereas, the Hon'ble High Court in the said CWP No. 2171/2023, vide judgment dated 04-09-2023 (Para 7), has ordered as follows:

"In view of the discussion in para 5 above, these writ petitions are allowed. The respondents are directed to grant the pay scale of the post of Trained Graduate Teachers(TGTs) and promotional avenue to the post of

Lecturer(School New) to the petitioners (Shastri (Sanskrit) and Language Teacher (Hindi)- now-redesignated as TGT(Sanskrit) and TGT(Hindi) respectively, in terms of notification dated 20-08-2022, as is being given to TGT(Medical), TGT(Non- Medical), and TGT(Art). This shall be admissible to them from the date of issuance of notification dated 20.08.2022. The exercise be completed within seven weeks from today, miscellaneous applications, if any, also stand disposed of."

It is pertinent to mention here that this judgment of the Hon'ble High Court in the Hem Raj case (CWP No. 2171/2023) has been assailed by the Department by way of filing the LPA No. 86/2024 in the Hon'ble High Court which has been admitted in the Hon'ble High Court. However, the Govt. vide order No.EDN-C-E(5)33/2023 dated 20.05.2024 and 17.09.2024 has considered such re-designated TGTs (Sanskrit/Hindi) to be entitled for promotion as Lectureres/Headmasters with the condition that tenure or service of such re-designated Sanskrit/Hindi Teachers as TGT shall be considered from the date of notification dated 20.08.2022 subject to the final outcome of LPA No. 86/2024 (State Vs Hem Raj).

Thus, after considering the whole matter, such re-designated TGTs (Sanskrit/Hindi) under CWP No.7159/2024 titled as Tilak Raj & others vs. State of HP are entitled to be considered for promotion as Lecturers/Headmasters and thus they are considered for the same subject to final outcome of LPA No. 86/2024. However, tenure or service of such re-designated Sanskrit/Hindi Teachers as TGT shall be considered from the date of their re-designation as TGTs which in this case, is the date of notification dated 20-08-2022. It is pertinent to mention that as per the R&P Rules for the post of Lecturer (School-New) and Headmaster, there is specified period of minimum length of service as TGT (5/8 years) for a candidate to become eligible for promotion. Thus, these teachers shall become eligible for promotion only after completion of required length of service which is to be counted w.e.f. 20.08.2022.

With these observations the representations stands disposed of and the petitioners be informed accordingly.


DIRECTOR

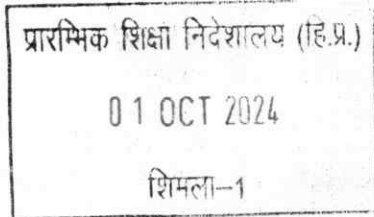
Endst. No. even, dated: the Shimla-1 September, 2024.

Copy forwarded for information and necessary action to: -

1. The Distt. Attorney (Edu.) Directorate of Elementary Education H.P.
2. Tilak Raj son of Shri Bansri Ram, resident of Village Phindroo Pangi, Post Office Phindroo, Tehsil Killar Pangi, District Chamba, H.P., presently working as TGT (Hindi)in Government High School Phindroo under complex Government Senior Secondary School Sach Pangi, Tehsil Killar Pangi, District Chamba, H.P.
3. Bhinder Singh son of Shri Dhano, resident of Village Gajnuue, P.O. Rathiar, Tehsil and Distt. Chamba, H.P., presently working as TGT (Sanskrit) in Government Senior Secondary School Khajjiar, District Chamba, H.P.
4. Bobby Kumar son of Shri Om Prakash, resident of Village Khadkan, Post Office Bhanthal, Tehsil Karsog, District Mandi (H.P.), presently working as TGT (Hindi) in Government High School Behlidhar under complex Government Senior Secondary School Bihani, Sub-Tehsil Chhatari, District Mandi, H.P.
5. Shashi Bala wife of Shri Kuldeep Singh, resident of Village Bilour, Post Office Luharwin, Tehsil Ghumarwin, District Bilaspur (H.P.), presently working as TGT (Hindi) in Government High School Chuwari under complex Government Boys Senior Secondary School Ghumarwin, Tehsil Ghumarwin, District Bilaspur, H.P.
6. Chetna Jaswal wife of Shri Karamjeet Singh, resident of Village Kasohal, Post Office Morsinghi, Tehsil Ghumarwin, District Bilaspur, H.P., presently working as TGT (Hindi) in Government High School Bari Majherwan, Tehsil Ghumarwin, District Bilaspur, H.P.
7. Renu Devi wife of Shri Sunil Kumar, resident of Village Gadiyara, P.O. Sidhpur- Sarkari, Tehsil Palampur, District Kangra, H.P., presently working as TGT (Hindi) in Government High School Bhattu Samula, Tehsil Palampur, District Kangra, H.P.

8. Pankaj Sharma son of Shri Pritam Chand Sharma, resident of Village Kaloh, P.O. Naswal, Tehsil Ghumarwin, District Bilaspur, H.P., presently working as TGT (Sanskrit) in Government Senior Secondary School Dadhol, P.O. Dadhol, Tehsil Ghumarwin, District Bilaspur, H.P.
9. Ram Kumar son of Shri Jai Singh, resident of Village Lech, P.O. Gehra, Tehsil and District Chamba, H.P., presently working as TGT (Sanskrit) in Government Senior Secondary School Bhali, Tehsil Jawali, District Kangra, H.P.
10. Lalita Kumari wife of Shri Shashi Kant, resident of Village Khilra, Post Office Meramsit, Tehsil Sunder Nagar, District Mandi, H.P., presently working as TGT (Hindi) in Government High School Galanag under complex Government Senior Secondary School (Boys) Solan, Tehsil and District Solan (HP)
11. Tejasvi Ram son of Shri Paras Ram, resident of Village Fagwahi, P.O. Thatibir, Tehsil Banjar, District Kullu, H.P., presently working as TGT (Hindi) in Government High School Tandri, Tehsil Banjar, District Kullu, H.P.
12. Virender Kumar son of Shri Krishan Chand, resident of Village Sathmala, P.O. Hari Behna, Tehsil Sarkaghat, District Mandi, H.P., presently working as TGT (Hindi) in Government Senior Secondary School Samra, Tehsil and District Chamba, H.P.
13. Babli Devi wife of Shri Vinod Dhiman, resident of House No. , Ward No. , Krishna Nagar, Hamirpur, District Hamirpur, H.P., presently working as TGT (Hindi) in Government Senior Secondary School Choru, District Hamirpur, H.P.
14. Kaushalya Kumari wife of Shri Rajesh Kumar, resident of Village Chilla, Post Office Khagna, Tehsil Chopal, District Shimla, H.P., presently working as TGT (Hindi) in Government Senior Secondary School Khagna, Tehsil Chopal, District Shimla, H.P.
15. Tushar Kumar son of Shri Ganga Ram, resident of Village Chhachhad, Post Office Tharoch, Tehsil Nerwa, District Shimla (H.P.) Pin code- , presently working as TGT (Hindi) in Government Senior Secondary School Hirah, P.O. Tikkari, Tehsil Nerwa Distt. Shimla
16. Meena daughter of Shri Radhay Shyam and wife of Shri Ashish Kumar, resident of Village Tarmehar, Post Office Swar, Tehsil Multhan, District Kangra HP, Pin , presently working as LT/TGT (Hindi) in Government High School, Kand under Complex Government Senior Secondary School Dari, Tehsil Dharamshala, District Kangra HP
17. The Nodal officer (IT) internal with the request to upload the same on the official website.
18. Guard file.

G.F



DIRECTOR