No. EDN(SE)-H(3)B(6)SLP(C) No. 7423/2026-Yog Raj
Directorate of School Education
Himachal Pradesh, Shimla-171001

Dated: Shimla-171001, October, 2026

ORDER

Whereas, representations submitted by **Sh. Yog Raj** S/o Sh. Chet Ram, R/o Village Rakhoon, PO Kotmoras, Tehsil Sadar, Distt. Mandi (HP), Sh. Bipan Kumar, Village Kapahi, PO Sari, Tehsil Dharampur, Distt. Mandi (HP), Sh. Narinder Singh S/o Sh. Sohan Singh, R/o Chhallah Kuffer PO Deothi Majhgaon Tehsil Rajgarh, Distt. Sirmour 171226 (HP) and Sh. Khem Chand S/o Sh. Sukh Ram, R/o Village Beena, PO Kalahod, Tehsil Sunder Nagar, Mandi, (HP) addressed to the Principal Secretary (Education) to the Government of Himachal Pradesh, as well as to this office were received in this Directorate seeking the following reliefs:

1. Extend the benefit of the one-time relaxation policy dated 15.02.2011 uniformly to the petitioners as members of the old batch.
2. Extend to the petitioners the same benefit already granted to Saroj Kumar & Others, Sh. Amrik Singh, and other similarly situated candidates.
3. Consider and appoint the petitioners against the existing vacant posts of Physical Education Teachers.
4. Pass a reasoned and speaking order on this representation in compliance with the liberty granted by the Hon'ble Supreme Court in SLP (Civil) No. 7423 of 2026 and connected matters.

1. Background & Factual Matrix

1. The Recruitment and Promotion (R&P) Rules for the post of Physical Education Teacher (PET) notified on 28.12.1973 were repealed and reframed vide Notification dated **10.01.2011** in consonance with the guidelines of the National Council for Teacher Education (NCTE) and the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act).
2. Under the amended R&P Rules dated 10.01.2011, the minimum educational qualification for the post of PET was prescribed as 10+2 with **2-year Diploma in Physical Education (D.P.Ed.)** OR Bachelor's Degree in Physical Education (B.P.Ed.). Candidates possessing 1-year Diploma under the repealed 1973 rules became ineligible for prospective recruitments.
3. Upon enforcement of the amended rules, the State Government accorded **one-time relaxation** communicated vide letter dated **15.02.2011** strictly for filling up **1000 sanctioned posts** of C&V teachers across various categories (including **125 posts of PETs**), permitting recruitments under both old and new R&P Rules, subject to the condition that appointees under old rules improve their qualifications within five years.
4. All 125 sanctioned posts of PETs under the said one-time relaxation policy were duly filled up (63 posts by direct recruitment and 62 posts on a batch-wise basis). The candidates having applicants participated in the selection process but could not be selected due to their lower batch-wise placement/seniority. Upon completion of

recruitment for these 125 posts, the process under the one-time relaxation policy culminated.

2. Judicial History

1. The petitioners in the Civil writ petition No. 8022/2012 were qualified as per old R&P Rules to the post of PET approached the Hon'ble High Court of H.P. to extend the benefit of the decision of State Government communicated vide letter dated 15.02.2011 and the same was disposed of with a direction to the respondents to consider the cases of the petitioners for appointment to the post of Physical Education Teachers in the light of the decision so taken by the Government and the fact that the Government has already given appointment to similarly situated persons under the old R&P Rules. This would be subject to the petitioners acquiring educational qualification within five years from the date of appointment.
2. In compliance to the orders passed by the Hon'ble High Court of H.P. in above court case and subsequent dismissal of SLP. No. 17560/2013 on 17.12.2013, special approval was granted by the Government to appoint 20 specific petitioners in CWP No. 8022/2012 as a special case by imposing a specific condition to the effect that these appointees shall have to improve their educational qualification in order to satisfy the provisions made in Rule 23 sub Rule (2) under Right of Children for Free and Compulsory Education Act, 2009 within five years.
3. Numerous of candidates who were not qualified in terms of amended R&P Rules of PET approached the Hon'ble High Court to extend the similar benefit on the analogy of CWP No. 8022/2012 and the Hon'ble Court with almost identical orders directed the respondent(s) to decide their cases in the light of above judgment, if otherwise similarly situated. Before deciding their cases, the petitioners in various CWPs started filing contempt petitions and thereafter, the respondent No. 1 (Secretary Education) rejected the claims of the petitioners by passing detailed order dated 30.6.2015 with a view that relaxation in R&P Rules cannot be stretched for infinite period of time. The order dated 30.6.2015 were further challenged by the applicants in OA No. 2781/2015 and the same has been decided alongwith 31 connected matters vide order dated 28.4.2017 with a direction to respondents/ competent authority to re-consider the entire matter afresh. Accordingly, the respondent No. 1, after due consideration rejected the case of the applicants by way of passing order dated 10.7.2018.
4. The petitioners challenged once again the Govt. order dated 10.7.2018 in the Hon'ble High Court under CWPOA No. 3573/2019-titled as Yog Raj and others Vs. State of H.P. and others in the Hon'ble High Court which was decided on 19.07.2022.
5. Feeling aggrieved appellant state filed Later Patent Appeal (LPA) 194/2023. The Hon'ble High Court of HP has disposed of above LPA No. 194/2023 titled as State of HP versus Yog Raj and on 09.01.2026. Operative part of the judgment is reproduced as under: -

   "In view of aforesaid discussion and for reasons recorded hereinabove, Letters Patent Appeal(s) filed by the State Authorities are allowed and the connected writ petitions {CWP's and CWPOA's} are dismissed, in the following terms:

   (i). Letters Patent Appeal No 194 of 2023, State of Himachal Pradesh and others versus Yog Raj and LPA Nos.11, 12, 13, 14, 15, 16, 17 and 18 of 2025, are allowed;

(ii). Writ Petition i.e. CWPOA No.5740 of 2020, 5663 of 2022, 6475 of 2022, 6476 of 2022, CWP Nos. 1756, 1759, 1809, 1897, 2821 of 2023, are dismissed;

(iii). Impugned Judgement dated 19.07.2022 passed by Learned Single Judge in Yog Raj versus State of Himachal Pradesh, in Lead Case and connected cases is quashed and set aside;

(iv). Claim of writ petitioners for relaxation with prayer for appointment against future vacancies is disapproved, being dehors the Recruitment and Promotion Rules dated 10.01.2011 [Annexure A-1] and dehors NCTE Regulations dated 12.11.2014;

(v) Parties to bear respective costs.

In aforesaid terms, instant appeals and writ petitions along with all pending application(s), if any shall stand disposed of."

The applicants challenged the Division Bench judgment dated 09.01.2026 before the Hon'ble Supreme Court of India. The Hon'ble Apex Court vide order dated **14.07.2026** dismissed the Special Leave Petitions, observing as under:

"1. We do not find any good ground to entertain these petitions. The special leave petitions are, accordingly, dismissed.

2. Petitioners would be at liberty to pursue his grievance if any, before the appropriate authority."

In pursuance of the liberty granted by the Hon'ble Supreme Court, the matter was submitted to the Government for examination and instructions. The Department of School Education, Government of Himachal Pradesh vide letter **No. EDN-C-B(1)3/2019-Part-I dated 15.09.2026** conveyed the considered decision of the Government as under:

"The matter has been examined in this Department and it has been decided that no relaxation in the essential qualification prescribed in the R&P Rules for the post of P.E.T. notified on 10.01.2011 can not be given."

3. Order.

In view of the detailed facts, statutory provisions, and binding judicial pronouncements summarized above:

1. The claim of the applicants for extension of the one-time relaxation policy dated 15.02.2011 to future recruitments is **dehors** the Recruitment and Promotion Rules dated 10.01.2011 and contrary to the mandatory NCTE Regulations dated 12.11.2014.
2. The applicants, possessing 1-year Diploma in Physical Education, do not fulfill the prescribed minimum educational qualifications under the extant R&P Rules dated 10.01.2011 and are therefore ineligible for appointment to the post of Physical Education Teacher.
3. The Hon'ble High Court of Himachal Pradesh in LPA No. 194 of 2023 (decided on 09.01.2026) has unequivocally disapproved the claim for relaxation/appointment against future vacancies, which has been affirmed upon dismissal of SLP (C) No. 7423/2026 by the Hon'ble Supreme Court of India on 14.07.2026.
4. The Government of Himachal Pradesh vide decision dated 15.09.2026 has also explicitly affirmed that no relaxation in essential qualifications can be granted.

Accordingly, the representations dated nil submitted by **Sh. Yog Raj, Sh. Bipan Kumar, Sh. Narinder Singh, Sh. Khem Chand** and other connected applicants for

seeking relaxation in qualifications and appointment to the post of Physical Education Teacher are found to be devoid of merit and are hereby rejected.

Representations stand disposed of; inform the applicants accordingly.

Director of School Education
Himachal Pradesh, Shimla-1

Endst. No. even, dated: Shimla-1 October, 2026

Copy forwarded for information to: -

1. The Secretary (Education) to the Government of Himachal Pradesh, Shimla-171002, for information with reference to letter No. EDN-C-B(1)3/2019-Part-I dated 15.09.2026.
2. The District Attorney, Directorate of School Education H.P. w.r.t. his UO No. EDN(SE)-H(14)LC-791/2022-MND dated 22.07.2026.
3. Sh. Yog Raj S/o Sh. Chet Ram, R/o Village Rakhoon, PO Kotmoras, Tehsil Sadar, Distt. Mandi (HP).
4. Sh. Bipan Kumar, Village Kapahi, PO Sari, Tehsil Dharampur, Distt. Mandi (HP).
5. Sh. Narinder Singh S/o Sh. Sohan Singh, R/o Chhallah Kuffer PO Deothi Majhgaon Tehsil Rajgarh, Distt. Sirmour 171226 (HP).
6. Sh. Khem Chand S/o Sh. Sukh Ram, R/o Village Beena, PO Kalahod, Tehsil Sunder Nagar, Mandi, (HP)
7. The Nodal Officer, IT Cell, Dte. of School Edu. H.P. to upload the same on official website.
8. Guard File.

Director of School Education
Himachal Pradesh, Shimla-1

Directorate of School Education
30 OCT 2026
Himachal Pradesh, Shimla - 171001