No:EDN(SE)-H(2)B(9)-Misc.Sty/Seniority-24
Directorate of School Education
Himachal Pradesh,Shimla-1.

Dated Shimla-the 171001 the, Aug, 2026

OFFICE ORDER

Whereas, the Government, vide letter No. EDN-C-E(5)4/2015 dated 05-11-2016 issued in compliance to the order of the Hon'ble High Court passed in CWP No. 1811/2008 dated 14.11.2011, all the appointees of 2008, 2009 & 2012 selected through HPSSSB, Hamirpur in the year of 2002 & 2012 on the basis of requisition of 2002 were considered deemed regular employees of the State Government from the date of their initial appointment on contract basis by the Department vide letter No. EDN-H(2)B(2)4273/12—CC dated 07-11-2016 & 31.03.2017 and arrears of financial benefits was not granted to them as per order of the Hon'ble Supreme Court passed in Special Leave Appeal (C).....CC No(s)1171/2017 dated 24.03.2017. Seniority has also been given to them on notional basis from the date of their initial appointment on contract basis as directed by the Hon'ble High Court of H.P. in CWP No. 1811/2011 titled as Dev Raj Vs State of H.P. & Others.

Whereas, the above said original application was later on transferred to the Hon'ble High Court of H.P. and registered with CWPOA No. 3435/2020 titled as Satish Kumar & others and State of H.P. & others and the Hon'ble High Court of H.P. on dated 27.11.2021 in CWPOA No. 3435/2020 titled as Satish Kumar & others and State of H.P. & others quashed this Directorate office order No. EDN-H(2)B(9)-4/2018-TGT Final Sty. dated 05.04.2018 and ordered that **"the petitioner shall be deemed to be appointed on 1st may, 2003, along with all consequential benefits."**

Whereas the Department has implemented the judgment passed in CWPOA No. 3435/2020 in O.A. No. 3001/2018 titled as Satish Kumar & other and State of H.P. & ors vide office order No.EDN-H(2)B(2)3435/2020---CC dated 29.4.2023, 12.10.2023 & 22.02.2024 and the petitioners who were selected through HPSSSB, Hamirpur in the year of 2002 & 2012 have been considered deemed appointed on regular basis in the pay scale of 5480-8925 w.e.f. 01.05.2003 along with all consequential benefits subject **to final outcome of SLP(C)** Diary No. 22215/2022 titled as the State of Himachal Pradesh & Anr. Vs Satish Kumar & Ors., However, as per the order passed by the Hon'ble High Court of H.P. in COPC No. 207 of 2022 in CWPOA No. 3435/2020 in O.A. No. 3001/2018 titled as Satish Kumar Vs State of H.P. & Ors dated 19.09.2023 the petitioners have been granted notional increment from the deemed date of their appointment and no monetary benefits were granted to the petitioners from the deemed date of their appointments i.e.

01.05.2003 to till their actual date of initial appointment as such the petitioners have not worked on the posts.

Whereas, the Government vide letter No. EDN-C-E(4)2/2019-L dated 21.06.2024 has accorded the approval to implement the order of the Hon'ble High Court of H.P. in similar situated matters, on case to case basis on the analogy of main case of CWPOA No. 3435/2020 titled as Satish Kumar & Ors Vs State of H.P. subject to the final outcome of further legal remedy.

Whereas, the orders passed by the Hon'ble High Court of HP on the analogy of CWPOA No. 3435/2020 titled as Satish Kumar & ors Vs State of H.P. & Ors alongwith CWPOA No. 6850 of 2020 titled as Milat Ram and others Vs State of H.P. and others and all other connected matters were implemented by this Department from time to time.

Whereas, some of the candidates whose name were recommended by the Secretary, HPSSSB Hamirpur in the year 2002 & 2012, but whole process of appointment and interview was stopped due to vigilance inquiry and as per the Government instructions issued vide letter No PER(AP-C)B(19)-1/2003 dated 13-03-2003. In the meantime, the posts of TGTs were advertised through a different requisition in the year 2005 and these candidates were selected and appointed in the year 2006& 2007. Later, these petitioners have filed various writ petitions in the Hon'ble High Court of HP for similar relief as was granted to the petitioners in CWPOA No. 3435/2020 titled as Satish Kumar & ors Vs State of H.P. & Ors along with CWPOA No. 6850 of 2020 titled as Milat Ram and others Vs State of H.P. and others and all other connected matters.

Whereas, a similar matter was listed before the Hon'ble High Court of HP in CWP No. 10975/2024 titled as Sanjay Kumar and others Vs State of HP and another and Hon'ble High Court of HP has dismissed the same on dated 06.10.2024 vide judgment as under:-

8. "The petitioners did not approach any Court of law thereafter also within some reasonable time and has now filed this case at a belated stage, as evidently they were satisfied with their appointments which were offered to them in the subsequent process in the year 2006. It is reiterated that the appointment that was offered to Satish Kumar was not on the basis of the subsequent process of recruitment undertaken by the Department, but on the basis of the earlier recruitment process undertaken in the year 2002. Therefore, it cannot be said that as petitioners are similarly situated as Satish Kumar, they have to be offered appointment in terms of the earlier process".

9. "Accordingly, as this Court does not find any merit in the present Writ petition the same is dismissed. Pending miscellaneous applications, if any, also stand disposed of."

Whereas, feeling aggrieved petitioners have **filed LPA No. 836/2025** titled as **Kaushal Chander Vs State of HP & others** before the Division Bench of the Hon'ble High Court of

HP and the same was decided by the Hon'ble High Court of HP on dated 25.02.2026 as under:-

"6. It is settled principle that there is no right of appointment and only a right of consideration, in case his 2002 selection process was not taken to its logical end. The appellant had not agitated at any point of time for the said process and had not sought any mandamus against the State to complete the selection process of 2002 and willingly participated in the subsequent advertisement, which was issued in 2004/05 and then appointed in 2006, he cannot raise any grievance after a period of 18 years. If any such benefit is also to be granted, it will open a pandora's box, as seniority could not have been given without impleading any other private respondents.

7. It is well settled principle laid down by the Supreme Court in P.S. Sadasivaswamy vs. The State of Tamil Nadu, 1974 AIR 2271, 1975 SCR (2) 356 that all service matters have to be raked up at the earliest, preferably within six months.

8. Thus, we are of the considered view that the learned Single Judge has not erred in any manner in dismissing the writ petition and we do not find any plausible reason to take a different view. Resultantly, the Letters Patent Appeal being devoid of any merit is dismissed. Pending applications, if any, also stand disposed of."

Whereas in compliance with the judgment passed by the Hon'ble High Court of Himachal Pradesh in LPA No. 836 of 2025, it is hereby ordered that those petitioners/non-petitioners whose names were recommended by the Secretary, HPSSSB, in the years 2002 and 2012, but who were subsequently appointed on regular basis in the years 2006 and 2007 on the recommendations of HPSSSB, Hamirpur, pursuant to a different advertisement issued in the year 2005, shall not be entitled to the benefits extended to the petitioners in CWPOA No. 3435 of 2020, titled ***Satish Kumar & Others vs. State of H.P. & Others***, along with CWPOA No. 6850 of 2020, titled ***Milat Ram & Others vs. State of H.P. & Others***, and other connected matters, as their appointments were made through a separate and independent recruitment process and do not fall within the category of employees covered by the aforesaid judgments vide this **Directorate office order No: EDN(SE)H(2)B(2)3435/2020-CC dated 20.06.2026**

Keeping in view of the above facts, the Final seniority of TGTs issued vide this directorate office letter No. EDN-H(2)(Ele)B(9)-Tent.Sty.2018-19, Dated 11.03.2025 is hereby partially modified in respect of TGTs appointed on regular basis in the years 2006 and 2007 on the recommendations of HPSSSB, Hamirpur pursuant to a different advertisement issued in the year 2005, and shall not be entitled to the seniority benefits extended to the petitioners in CWPOA No. 3435 of

2020, titled ***Satish Kumar & Others vs. State of H.P. & Others***, along with CWPOA No. 6850 of 2020, titled ***Milat Ram & Others vs. State of H.P. & Others***, and other connected matters.

Accordingly, the seniority numbers assigned to such TGTs appointed on regular basis in the year 2006 and 2007 vide Office Order dated **11.03.2025** are hereby **withdrawn with immediate effect**. Their seniority shall stand governed by the final seniority lists circulated vide Department Letter No. **EDN-H(2)B(9)-1/2016-Final Sty. dated 20.06.2017 and 10.03.2022**.

-sd-

Director School Education
Himachal Pradesh

Endst. No. Even Dated: Shimla-171001 Aug,2026

Copy forwarded for information and necessary action to:-

1. The Secretary (Education) to the Government of HP.
2. The Director of Higher Education, H.P.Shimla-171001.
3. All the concerned Dy. Directors of School Education (Elementary/Secondary) of H.P.
4. The concerned Principal/Headmaster of GSSS/GHS/GMS of H.P.
5. Incharge IT Cell (DSE), with the direction to upload the same on Departmental website.
6. Guard file.

Directorate of School Education
27 AUG 2026
Himachal Pradesh, Shimla - 171001

Director School Education
Himachal Pradesh.