No. EDN(SE)-H(2)B(2)1/2025-Promotion-
Directorate of School Education,
Himachal Pradesh, Lalpani Shimla-01

Dated: Shimla-171001, the 2026

"OFFICE ORDER"

Subject: **Disposal of representations seeking grant of retrospective notional promotion under the 4% reservation for Persons with Benchmark Disabilities (PwBDs)**

Whereas, representations have been received from various officials who were promoted to the post of Trained Graduate Teacher (TGT) under the 4% reservation for Persons with Benchmark Disabilities (PwBDs) in terms of Government Notification dated **27.08.2024** and the instructions issued by the Department of Personnel. The applicants have requested grant of retrospective notional promotion with effect from **30.06.2016**, or from the date on which they acquired the prescribed educational qualifications and became eligible for promotion, along with consequential benefits including notional seniority, pay fixation, continuity of service and consideration for further promotions.

Whereas, the representations have been examined in detail with reference to the provisions of the **Rights of Persons with Disabilities Act, 2016**, the Government Notification dated **27.08.2024**, the applicable reservation roster, the relevant Recruitment and Promotion Rules, and the instructions governing reservation in promotion for Persons with Benchmark Disabilities. The applicants have contended that they belong to the category of Persons with Benchmark Disabilities (PwBDs), possessed the prescribed educational qualifications under the applicable Recruitment and Promotion Rules prior to their promotion, and were eligible for promotion much before the date on which they were granted notional promotion vide this Directorate's order dated **09.04.2026**. They have accordingly sought retrospective notional promotion with all consequential service benefits.

Whereas, the matter has been examined in light of the provisions of **Section 20 of the Rights of Persons with Disabilities Act, 2016**. Section 20(3) provides that no promotion shall be denied to a person merely on the ground of disability. Further, Section 20(4) provides protection to an employee who acquires disability during service and envisages creation of a supernumerary post only where adjustment against any suitable post is not possible.

Whereas, the provisions relating to reservation in promotion have also been examined. Paragraph 7.1 of the applicable Government instructions provides that in promotions based on seniority-cum-fitness, a PwBDs employee, if otherwise eligible and included in the approved select list, may be promoted against an unreserved vacancy and shall not be denied promotion merely because the vacancy is not earmarked for the disability category. Paragraph 7.2 further provides that reserved vacancies shall be filled category-wise from amongst eligible PwBDs candidates in accordance with the prescribed reservation roster.

Whereas, the reservation roster was implemented strictly in accordance with the applicable Government instructions. The vacancies earmarked for each specified disability category were filled by eligible candidates belonging to the respective disability category who were available and found fit by the Departmental Promotion Committee. Where suitable candidates of a particular disability category were not available, such vacancies were carried forward in accordance with the applicable reservation policy and subsequently dealt with through the prescribed mechanism of interchange/carry forward, wherever permissible under the Government instructions.

Whereas, neither the Rights of Persons with Disabilities Act, 2016 nor the applicable Government instructions permit diversion of vacancies reserved for one specified disability category to another disability category during the same recruitment/promotion year, except in accordance with the prescribed provisions relating to carry forward and interchange. Consequently, vacancies

reserved for disability categories other than the category to which the applicants belong could not legally have been diverted in their favour during the promotion process relating to vacancies as on **30.06.2016.**

Whereas, the request for creation of a supernumerary post has also been examined. It is observed that the provision relating to creation of a supernumerary post under Section 20(4) of the Rights of Persons with Disabilities Act, 2016 is intended to protect the service conditions of an employee who acquires disability during service and cannot be accommodated against any suitable post. The said provision does not contemplate creation of a supernumerary post for the purpose of granting retrospective promotion where the reservation roster has been correctly operated and no promotional entitlement accrued under the applicable roster.

Whereas, the reservation roster from the year 2016 was implemented correctly, the vacancies earmarked for the applicant's disability category were duly filled by eligible candidates found suitable under the applicable reservation provisions, including, where necessary, by inter se exchange of vacancies in accordance with the prescribed rules. Consequently, no vacancy remained available in the relevant disability category for the year of the concerned Departmental Promotion Committee (DPC) against which the applicant could claim promotion. Accordingly, the applicant's case was considered by the subsequent Departmental Promotion Committee strictly in accordance with their turn in the reservation roster and the applicable instructions governing reservation for Persons with Benchmark Disabilities (PwBD). Based on these provisions, the applicant was granted promotion vide Promotion Order dated 09.04.2026.

Therefore, after careful consideration of all relevant facts, records and applicable legal provisions, the applicants have already been extended the benefit of promotion in accordance with the applicable PwBD notification and the reservation roster. Therefore, the claim for promotion against an earlier DPC year is devoid of merit and is not liable to be considered.

Accordingly, the representations submitted by the applicants seeking grant of retrospective notional promotion with effect from 30.06.2016, or from the date they claim eligibility, along with consequential benefits including notional seniority, pay fixation, continuity of service and consideration for further promotion, are hereby rejected, being devoid of merit.

sd/-
Director School Education
Himachal Pradesh, Shimla

Endst. No._____ Dated: Shimla, the _____, 2026

A copy is forwarded for information and necessary action to:

1. The Deputy Director of School Education (Elementary), Kullu, Himachal Pradesh.
2. The Nodal Officer (IT) Cell DSE to upload on official website.
3. The Principal/Headmaster, GSSS Banjar/GSSS Kotla Distt. Kullu.
4. Sh. Devinder Singh TGT (Arts) GSSS Banjar, Distt. Kullu
5. Sh. Kamal Dev TGT(Arts) GSSS Kotla Distt. Kullu
6. Guard File.

Director School Education
Himachal Pradesh, Shimla

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