
(2010) 06 SHI CK 0125
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 907 of 2008

Brij Lal

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 14-06-2010

Acts Referred:

Citation : (2010) 06 SHI CK 0125

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Rajiv Sharma, J.—The Petitioner made a representation to the State Government under Para-12 of the Scheme for appointment as Part Time Water Carrier in Government Primary School, Lower Tipra. The case of the Petitioner was duly considered and he was called upon to furnish the certificates vide letter dated 01.10.2007 by 09.10.2007. Petitioner supplied the same. He was legitimately expecting that since his case has been considered, he will be offered appointment as Part Time Water Carrier. However, the appointment to the Petitioner was denied on the ground that the model code of conduct has come into force. Petitioner is a physically handicapped person. He is 75% blind as per Annexure A-9, issued by the competent authority. The case of the Petitioner was considered as per Para-12 of the Scheme on compassionate ground. Once the case of the Petitioner has been considered and he has been called upon to supply the necessary certificates, he ought to have been offered appointment immediately after the model code of conduct was over. It is also evident from Annexure A-8 that the post of Part Time Water Carrier is still lying vacant in Government Primary School, Tipra.

2. The Respondent-State has not chosen to file any reply to the present writ petition.

3. Mr. R.K. Sharma, learned Senior Additional Advocate General has brought to

the notice of this Court that the appointment to the Petitioner could also not be made in view of the communication dated 31.01.2008, mentioned in Annexure A-5, dated 01.04.2008. The Court is of the view that once the selection process has been commenced in accordance with law, it should have been culminated in appointing the Petitioner. The decision, if any, was required to be taken on individual basis. There is no justification/explanation why the Petitioner has not been offered appointment as Part Time Water Carrier as per Para-12 of the Scheme.

Accordingly, the writ petition is allowed. Annexure A-5 dated 01.04.2008 is quashed and set aside. The Respondents are directed to consider the case of the Petitioner for appointment as Part Time Water Carrier in Government Primary School, Lower Tipra within a period of eight weeks from today. No costs.