

**(2010) 12 SHI CK 0142**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWP (T) No. 14154 of 2008**

Des Raj

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

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**Date of Decision :** 13-12-2010

**Acts Referred:**

**Citation :** (2010) 12 SHI CK 0142

**Hon'ble Judges :** V.K. Sharma, J

**Bench :** Single Bench

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## Judgement

V.K. Sharma, J.—The learned Dy. Advocate General has produced a communication dated 10th December, 2010, addressed to the learned Advocate General, Himachal Pradesh, by the Director, Elementary Education, which is taken on record after supplying copy thereof to the learned Counsel for the Petitioner.

2. The learned Counsel for the Petitioner submits at the very outset that the case of the Petitioner is covered and shall be governed by judgment dated 11.11.2010, passed by a Division Bench of this Court in CWP No. 1576 of 2007, along with connected batch matters, titled Preeta Chauhan v. State of H.P. and Ors. etc. etc. , particularly titled Madan Mohan Verma v. State of H.P. and Ors. CWP No. 1939 of 2009 titled Madan Mohan Verma v. State of H.P. and Ors., text whereof is as follows:

In these cases, the Petitioners are aggrieved by the orders passed by the Inquiry Committee and the Deputy Commissioner(s).

2. In view of the recent instruction issued by the Director, Higher Education, Himachal Pradesh vide communication dated 24th September, 2009, the case requires fresh consideration in the light of the said communication. The relevant portion of the communication of the Director, Higher Education, Himachal Pradesh reads as follows:

Refer to letter No. EDN-Kha(7)3706-1 dated 3.9.2009 from the Principal Secretary (Education) to the Government of Himachal Pradesh addressed to this directorate and copy endorsed to you and others vide which the government has asked to move an application immediate before the chairman of the concerned enquiry committee in view of the decision of CWP No. 525/2009 titled as Ravinder Singh v. State and CWP No. 2632/2009 titled as Koyal Kumar v. State wherein the Hon''ble High Court of Himachal Pradesh while setting aside the orders of the committee has directed that Committee after giving adequate opportunity of hearing to the Petitioner as well as the other Respondents can look into the matter and decide whether the appointment of the Petitioner was valid or not. The committee while deciding the issue will keep into consideration of observation of the Hon''ble High Court made in CW Ps. The copy of the judgment/orders passed by the Hon''ble High Court in titled as Koyal Kumar v. State CWP No. 2632/2009 is also being sent to all the Deputy DirectOrs.

Therefore, you are directed to comply with the directions of the Government and take action in the matter accordingly.

3. In view of the above clarification issued by the Director of Higher Education, Himachal Pradesh, the impugned orders are liable to be set aside. Ordered accordingly. However, we make it clear that it will be open to the Enquiry Committee to consider the matter afresh in the light of the instructions referred to above. The needful, if required, shall be done expeditiously from the date of the production of a copy of this judgment by either side. It is also made clear that in the cases of those teachers, who are working in the schools, in case they have not been paid their due wages, the same shall be paid and the State shall ensure that the required grant-in-aid is given to the Schools, as per the Rules forthwith. In case the vacancy still exists, we make it clear that it will be open to the Respondents to re-engage the Petitioners, subject to the outcome of the inquiry and in case, the Petitioners are thus reengaged, they shall be paid the eligible benefits during the period of service.

4. The writ petition is disposed of, so also the pending application(s), if any.

3. In view of the above, if on facts, the Petitioner is also similarly situate as the Petitioners were in the judgment(s) referred to hereinabove, his case shall also be considered by the Respondents/competent authority, in the light of the said judgment, particularly titled Madan Mohan Verma v. State of H.P. and Ors. CWP No. 1939 of 2009 in accordance with law and justice after hearing the Petitioner and private Respondent No. 6, within three months from the date of production of copy of this judgment by the Petitioner and giving them an opportunity to submit additional materials, if any, if so desired/advised.

4. The petition, so also the pending CMP(s), if any, shall stand disposed of in the above terms.