

**(2023) 02 SHI CK 0050**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWPOA No. 2017 Of 2019**

Gopal Singh And Others

APPELLANT

Vs

State Of Himachal Pradesh And Another

RESPONDENT

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**Date of Decision :** 28-02-2023

**Acts Referred:**

**Citation :** (2023) 02 SHI CK 0050

**Hon'ble Judges :** Sandeep Sharma, J

**Bench :** Single Bench

**Advocate :** R.L. Chaudhary, Anoop Rattan, Rajan Kahol, Vishal Panwar

**Final Decision :** Disposed Of

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## Judgement

Sandeep Sharma, J

1. By way of instant petition, the petitioner has prayed for the following reliefs:

“(i) That a writ in the nature of certiorari may kindly be issued, quashing the impugned order dated 16.3.2012 Annexure P-1, whereby the claim of the petitioners has been turned down in light of the new Recruitment & Promotion Rules for the post of Laboratory Technician and X-ray Technician, whereas the case of the petitioners is governed by the old Recruitment & Promotion Rules for the post of Laboratory Technician and X-ray Technician.

(ii). That writ of mandamus may kindly be issued, directing the Respondent No.1 to consider the case of the petitioners for appointment as Laboratory Technician and X-ray Technician from 50% quota of batch wise seniority in light of the old Recruitment & Promotion Rules, for the post of Laboratory Technician and X-ray Technician, since the petitioners did their Diploma from 1990 to 1998 and as per their seniority, they enrolled in the Employment Exchange for getting employment as Laboratory Technician and X-ray Technician prior to 1998.”

2. Though pleadings in the case are complete, but before the case at hand could be decided on its merits, learned counsel for the petitioners, while inviting

attention of this court to judgment dated 9.1.2013 passed by Division Bench in CWP 2280 of 2012-C titled Saroj Kumar v. State, states that issues raised in the instant petition is squarely covered by said judgment as such, petitioners would be content and satisfied, in case respondents are directed to decide the case of the petitioners in light of judgment rendered by this court in CWP No. 2280 of 2012 and in CWPOA No. 3573 of 2019, titled Jagat Ram and others v. State of Himachal Pradesh.

3. Learned Additional Advocate General, after having perused the aforesaid judgment, has no objection in case aforesaid innocuous prayer made by the petitioners is accepted.

4. Consequently in view of above, present petition is disposed of with direction to the respondents to consider and decide the case of the petitioners in light of judgment passed in Saroj Kumar and Jagat Ram supra expeditiously, preferably within a period of six weeks. Needless to say, authority concerned, while doing the needful, shall afford opportunity of hearing to the petitioner and pass a speaking order thereafter. Liberty is reserved to the petitioners to file appropriate proceedings before appropriate forum, if they still remain aggrieved.

The petition stands disposed of in the afore terms alongwith all pending applications.