

(2011) 09 SHI CK 0002
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 4219 of 2011

Hukam Ram

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 14-09-2011

Acts Referred:

Citation : (2011) 09 SHI CK 0002

Hon'ble Judges : Kurian Joseph, C.J.;Rajiv Sharma, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Kurian Joseph, C.J.—The issue raised in this petition pertains to appointment to the post of Part Time Water Carrier in Government Primary School, Daplad, Gram Panchayat Ghatoo, Education Block Nirmand in District Kullu.

2. The writ Petitioner was initially selected. That was challenged by one of the candidates, namely Yash Paul in O.A. No. 2718 of 2002, which was decided on 18.10.2006 by the erstwhile Himachal Pradesh Administrative Tribunal. The appointment was set aside with a direction to the competent authority to constitute a fresh Committee as per the scheme and conduct interview afresh. That order was challenged by the Petitioner herein in C.W.P. No. 1135 of 2006. In the judgment dated 02.08.2007, this Court has entered a finding that the Petitioner had not contested the matter before the Tribunal and, hence the writ petition was only to be rejected, since it would not be appropriate for the High Court to up-set the findings of fact returned by the Tribunal. However, it was clarified that when the fresh selection, as directed by the Tribunal was to be conducted, it was open to the Committee to verify the distance. There was a further direction that the measurement should be made as per the norms in the scheme, as notified on 27.07.2001. Accordingly, the interview was conducted on 04.05.2011.

3. It is seen from the records that one Shri Mohar Singh of village Daplad has

secured 19 marks, the Petitioner herein has secured 16 marks and Yash Paul, referred to above, has secured 18 marks. In that view of the matter, we do not find any merit in the writ petition and the same is accordingly dismissed, so also the pending application(s), if any.

4. However, it is made clear that in case any vacancy arises during the currency of the wait list in Gram Panchayat, Daplad, such vacancy should be filled up as per the merit in the wait list.