
(2011) 09 SHI CK 0335
In the High Court Of Himachal Pradesh
Case No : CWP No. 2748 of 2009

Kamaljeet Singh

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 07-09-2011

Acts Referred:

Citation : (2011) 09 SHI CK 0335

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Deepak Gupta, J.—By means of this petition, the Petitioner prays that he be granted seniority and be treated to be a para teacher w.e.f. 2004 when one Mrs. Jyoti was appointed to the said post.

2 Briefly stated, the facts of the case are that the Petitioner alongwith Mrs. Jyoti applied for the post of para teacher as Physical Education Teacher in Government Senior Secondary School, Tihri, Tehsil Dehra, District Kangra, H.P. The Petitioner was not selected and Mrs. Jyoti was selected. The Petitioner challenged her appointment before the erstwhile Tribunal but his O.A. was dismissed by the Tribunal on 19.4.2005. Thereafter, the Petitioner filed a writ petition in this Court which was decided by a Division Bench of this Court on 25th July, 2008 and the appointment of Mrs. Jyoti was set-aside on the ground that she could not have been awarded 10 marks for having higher qualification. Respondents 1&2 were further directed to make fresh appointment on the basis of the interview already held.

3. Consequent to such judgment, the Petitioner was appointed and now the Petitioner claims that he be granted seniority with effect from the date Mrs. Jyoti was appointed in the School. In my view, the Petitioner cannot claim this relief in this petition. Any relief which the Petitioner wanted to claim should have been claimed in the earlier petition. Moreover, the Petitioner having not worked as Para

Teacher and not having been appointed at all till the year 2008, cannot claim seniority from the year 2004. It may be true that at the instance of the Petitioner the appointment of Mrs. Jyoti was set-aside but that does not mean that the Petitioner is entitled to seniority from the date Mrs. Jyoti was appointed.

4. In view of the above discussion, I find no merit in the petition which is accordingly dismissed. No costs.