
(2010) 04 SHI CK 0064
In the High Court Of Himachal Pradesh
Case No : CWP No. 1583 of 2010

Kumari Yachana

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 23-04-2010

Acts Referred:

Citation : (2010) 04 SHI CK 0064

Hon'ble Judges : Kurian Joseph, C.J;R.B. Misra, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.

CMP Nos. 2241, 2247, 2249, 2251 & 2253 of 2010

1. Allowed. Applications are disposed of.

CWP Nos. 1583, 1586, 1587, 1588 & 1589 of 2010.

2. The issue raised in these Writ Petitions pertains to the selection and appointment of teachers by the Parents Teacher Association. Learned Counsel appearing on both sides point that the Director, Higher Education, Himachal Pradesh has issued a communication dated 24th September, 2009, and the cases require 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 Govt. 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 the observation of the Hon''ble High Court made in CWPs. The copy of the judgment/orders passed by the Hon''ble High Court CWP No. 2632/2009 titled as Koyal Kumar v. State 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 matters afresh in the light of the instruction referred to above. The needful, if required, shall be done within a period of four months 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.

4. The writ petitions are disposed of, so also the pending applications, if any.