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**(2011) 12 SHI CK 0034**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWP No. 10884 of 2011-I**

|                                                                                              |            |
|----------------------------------------------------------------------------------------------|------------|
| Manjeet Kaur, Naresh Kumar and Deepak Kumar                                                  | APPELLANT  |
| Vs                                                                                           |            |
| State of Himachal Pradesh and The Director of Elementary Education, Shimla, Himachal Pradesh | RESPONDENT |

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**Date of Decision :** 09-12-2011

**Acts Referred:**

**Citation :** (2011) 12 SHI CK 0034

**Hon'ble Judges :** V.K. Ahuja, J;Kurian Joseph, J

**Bench :** Division Bench

**Advocate :** Naresh Kaul, for the Appellant; R.K. Bawa, AG with Mr. Ankush Dass Sood, Additional Advocate General, for the Respondent

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## Judgement

Justice Kurian Joseph, C.J.—The writ petition is filed with the following prayer:-

i) That the respondents No. 1 & 2 may very kindly be directed to consider the case of the present petitioners no. 1&2 for posting them to their home districts Kangra) & petitioner no. 3 to District Solan, keeping in view the peculiar facts and circumstances mentioned in the present writ petition & also in view of the recruitment and promotion rules (annexure P-8) & keeping in view the fact that the post of JBT Teacher being a class-III, Non Gazetted, District Cadre post, while issuing a writ in the nature of Mandamus with further direction to the respondents to place the petitioners at the appropriate place in the list, which has been prepared by them as per their own merit, as also keeping in view the less meritorious candidates (Annexure P-9 etc. mentioned in present CWP) have been posted in their home district or as per their option, keeping in view of the judgment (Annexure P-10) dated 20.10.2011 passed by this Hon'ble Court in CWP 7667/2011 etc. titled as Amit Thakur versus state of H.P. and ors.

This Court vide Annexure P-10, judgment dated 20th October, 2011 has considered the issue and issued the following directions:-

1. In the event of any of the petitioners making a representation for posting

against any of the vacancies in the Districts, referred to above, the same shall be considered favourably and orders in that regard shall be passed within two weeks from the date of the receipt of a copy of the representation along with the copy of this judgment.

2. In case any of the petitioners makes a representation against any vacancy in any District other than the home District, the same shall also be considered favourably and orders in that regard shall be passed within another two weeks. However, it is made clear and it shall be made clear in the orders also that the District they choose so shall be treated for all purposes as their home District in future.

3. It is however, made clear that in case in respect of any of the vacancies, referred to above, in the various Districts, recruitment process has already been set in motion by notifying those vacancies as on today, the notified vacancies shall not be tinkered in the process.

2. In case the petitioners are also similarly situated, the case of the petitioners shall be considered in the light of the direction as above and appropriate action in the matter shall be taken within two weeks from the date of production of a copy of this judgment along with a copy of writ petition by the petitioners before the Director. The writ petition is disposed of, so also the pending application(s), if any.

Authenticated copy.