

(2021) 04 SHI CK 0229
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 3753 Of 2020

Monika Rani

APPELLANT

Vs

State Of Himachal Pradesh & Ors

RESPONDENT

Date of Decision : 22-04-2021

Acts Referred:

Citation : (2021) 04 SHI CK 0229

Hon'ble Judges : Sureshwar Thakur, J;Sandeep Sharma, J

Bench : Division Bench

Advocate : Rishi Tandon, Sudhir Bhatnagar, Hemant Vaid, Ashwani Sharma,
Vikrant Chandel

Final Decision : Dismissed

Judgement

Sandeep Sharma, J

1. By way of instant petition, petitioner has prayed for following main relief:-

"(i) That the present writ petition may kindly be allowed with cost and the respondents may be directed to release all the increments and financial benefits w.e.f.31.08.2017 by re-fixing the pay."

2. Reply filed on behalf of respondents No.1 to 3 reveals that the services of the petitioner were regularized vide office order dated 31.08.2017 (Annexure P-4), wherein it has been stipulated that the petitioner shall have to improve her qualification within five years as per RTE-Act 2009 and in accordance with the latest R&P Rules of Language Teachers/Drawing Master/Physical Education Teacher /Shastri (OT), failing which, her increment and financial benefits will be stopped. It also emerge from the reply that the petitioner Smt. Monika Rana has accepted the condition to improve her qualification within five years. Since petitioner has been not able to improve her qualification despite her having given undertaking before the department, her claim for increment and financial benefits appears to have been rightly rejected by the respondents.

3. Consequently, in view of the above, this Court finds no merit in the present petition and accordingly same is dismissed. However, liberty is reserved to the petitioner to file representation to the respondents concerned seeking therein further time to improve her qualification, enabling her to claim increment and financial benefits. Representation, if any, filed by the petitioner shall be considered and decided by the authority concerned within a period of four weeks from the date of the receipt of representation. Needless to say, aforesaid respondents, while doing the needful, shall afford an opportunity of hearing to the petitioner and pass a speaking order thereupon. Pending applications, if any, also stands disposed of.