
(2016) 05 SHI CK 0156
In the High Court Of Himachal Pradesh
Case No : LPA No. 240 of 2010

Naresh Kumar

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 03-05-2016

Acts Referred:

Citation : (2016) sup HimLR 3117

Hon'ble Judges : Mr. Mansoor Ahmad Mir, CJ. and Mr. Tarlok Singh Chauhan, J.

Bench : Division Bench

Advocate : Mr. Shrawan Dogra, Advocate General with Mr. Anup Rattan, Mr. Romesh Verma and Mr. M.A. Khan, Additional Advocate Generals, for the Respondents No. 1 to 3; Mr. Narender Sharma, Advocate, for the Appellant

Final Decision : Dismissed

Judgement

Mansoor Ahmad Mir, J.(Oral) - This appeal is directed against judgment and order, dated 5th July, 2010, made by the learned Single Judge in CWP (T) No. 8711 of 2008, titled as Smt. Kamla Sharma versus State of Himachal Pradesh and others, whereby the writ petition filed by the writ petitioner respondent No. 5 herein came to be allowed and the appointment of writ respondent No. 5-appellant as Part Time Water Carrier in Government Primary School, Blog, was quashed and set aside (for short "the impugned judgment").

2. The learned Single Judge has made discussion/observation in para 6 of the impugned judgment that warding of five marks by the Selection Committee to the appellant-writ respondent No. 5 was legally incorrect as his two brothers were in the employment of the State Government.

3. We have gone through the Scheme, which was occupying the field at the relevant point of time, wherein it has been specifically provided that if any family member of a person is in Government employment, he cannot be awarded marks under the category of candidate belonging to unemployed family.

4. Having said so, the learned Single Judge has rightly made the discussion, the

impugned judgment is well reasoned and legal one, needs no interference.

5. Accordingly, the impugned judgment is upheld and the appeal is dismissed along with all pending applications.