

(2026) 08 SHI CK 1291
In the High Court Of Himachal Pradesh
Case No : CWP No. 7895 of 2025

Nitu Kumari

APPELLANT

Vs

State of Himachal Pradesh and others

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Citation : (2026) 08 SHI CK 1291

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Mr. Jaidev Thakur, Advocate; Mr. R.P. Singh, Deputy Advocate General for respondents-State; Mr. H.S. Rangra, Advocate for respondent No. 6.

Judgement

Ajay Mohan Goel, Judge (Oral)

By way of this writ petition, the petitioner *has aliaprayed* for the following reliefs:-

"i) That the writ in the nature of certiorari may kindly be issued and thereby quashing and setting-aside the impugned final result dated 3.03.2025 (Annexure P. 9), appointment order dated 15.03.2025 (Annexure P-10) qua the respondent no.6 to the post of "Van Mitra" beat of Drang Forest Range under Forest Division Mandi, H.P and rejection letter dated 16.04.2025 (Annexure P-11), in the interest of justice.

ii. That the writ in the nature of mandamus may kindly be issued, directing the respondents to appoint the petitioner to the post of "Van Mitra" beat of Drang Forest Range under Forest Division Mandi, H.P, being meritorious and most suitable candidate, in the interest of justice."

2. Brief facts necessary for the adjudication of this petition are that in terms of Annexure P-2, notice dated 28th November 2023, the Range Forest Officer, Drang Forest Range, Drang, District Mandi, invited applications from eligible candidates for engagement as Van Mitra. The applications, in terms of the advertisement, were to be submitted by 30-12-2023 and the same along with a self-attested photograph were to accompany copies of proof of age, proof of educational qualification, proof of residence and status of local/ neighbouring

Gram Panchayat/Village/GP/ULB, which were to be submitted in the office of the Range Forest Officer, Drang, either in person or by post by 30-12-2023. It was specifically mentioned in the advertisement that no application shall be entertained after the said date.

3. The petitioner, being eligible, applied for the post in issue along with other candidates. The advertisement was issued pursuant to the policy for engagement of Van Mitra issued by the Secretary Forest to the Government of Himachal Pradesh vide Annexure P-1, dated 18th October 2023, in which, it was mentioned that the Cabinet had approved the proposal for engagement of 2061 Van Mitras along with Scheme in Forest Department.

4. The Scheme for engagement of Van Mitra *inter alia* envisaged that the candidate was to apply for engagement as Van Mitra on the application form as per Annexure-II thereof and evaluation of marks was to be made in terms of the evaluation criteria mentioned in the Scheme. It was also mentioned in the Scheme that the documents/certificates, which were to be submitted by the candidate along with the application form, shall be verified with the original at the time of personal interview prior to engagement.

5. As observed herein above, the petitioner applied for the post for Block Drang, Beat Drang. In terms of Annexure P-4, which was a list issued by the Department after the candidates had participated in the physical efficiency test, demonstrated that the name of the petitioner was reflected therein at Sr. No. 8 and she was shown as qualified Van Mitra candidate in respect of Drang Beat. This was followed by the issuance of a list of panel of candidates beat-wise, who were called for physical verification of documents and in this also, the name of the petitioner was also included and her rank was No. 1 as far as Drang Beat is concerned. A copy of the said list is appended with the petition as Annexure P-6. The petitioner participated in the process of verification of documents on 20-01-2024, which is evident from Annexure P-7.

6. The grievance of the petitioner is that in terms of Annexure P-9, which is the final result of shortlisted candidates for the post of Van Mitra, the private respondent was selected as a Van Mitra for Drang Beat and she (private respondent) was offered appointment in terms of Annexure P-10, communication dated 15-03-2025. When she submitted a representation in this regard as to why she had been ignored despite being most meritorious in terms of Annexure P-11 (communication dated 16-04-2025), she has been informed that because after the submission of the application form, she had solemnized marriage in the month of March 2024 and as at the time of verification of the documents, her family was not a BPL family, as the family from the side of her husband was not a BPL family, therefore, she was not entitled for marks under the Head of BPL family and further, she also ceased to be a resident of Gram Panchayat Pali, under Drang Beat on the date of evaluation.

7. Learned Counsel for the petitioner has argued that the reasoning which has

been given by the Department for not considering the petitioner for the post of Van Mitra and not offering her appointment despite her being most meritorious is unsustainable in law. He submitted that in terms of Annexure P-2, the last date for submission of documents was 30.12.2023. He submitted that the status of a candidate who was participating in the process of selection, was to be seen as on the last date of submission of application forms and for this, the position could not have been relegated to the date, on which, the documents were being verified. He submitted that it is not as if the petitioner incurred any disqualification for being engaged as a Van Mitra on account of any act of omission or commission of the petitioner. He submitted that the petitioner solemnized marriage and solemnization of marriage could not be so construed that she lost her status of being considered for engagement as a Van Mitra because status of the petitioner was to be seen as on the date she applied for the post.

8. On the other hand, learned Additional Advocate General as also learned Counsel for the private respondent submitted that in terms of the scheme for appointment of Van Mitras, the documents which a candidate was required to submit at the time when he/she applies, were to be verified at the time of personal interview.

9. They submitted that the day of verification of these documents at the time of personal interview, is the day for adjudging the eligibility of a candidate is concerned. Learned Deputy Advocate General submitted that as on the date when the documents of the petitioner were verified, she was a married lady and the family, in which, she was married, was not a BPL family, therefore she was rightly not granted two marks under the Head of BPL family. He further submitted that as the residential address of the petitioner had also undergone a change on account of her marriage, as thereafter she happened to be a resident of the village, to which, her husband belonged, the reasoning given by the authority that she ceased to be a member of the Gram Panchayat concerned, is also correct reasoning. The arguments of learned Deputy Advocate General were adopted by Mr. H.S. Rangra, learned Counsel for respondent No. 6.

10. I have heard learned Counsel for the petitioner as also learned Deputy Advocate General and Mr. H.S. Rangra, learned Counsel for the private respondent and have also carefully gone through the pleadings as also the documents appended therewith.

11. The facts as emerge from the pleadings and documents appended therewith are that the petitioner applied for the post of Van Mitra in response to notice Annexure P-2, in terms whereof, the last date for submission of the application form was 30-12-2023. In terms of Annexure P-3, the application form for engagement as a Van Mitra was submitted by the petitioner on 14-12-2023. In the application form, she had submitted that she belonged to a Scheduled Caste family and a BPL family. Now, this process, which was initiated by the respondents vide advertisement dated 28-11-2023, culminated into the offer of

appointment to the private respondent in terms of appointment letter dated 15-03-2025 in the month of March, 2025. Meaning thereby that it took more than a year for the respondents to complete a simple process of engagement of a Van Mitra, for which the criteria of engagement was not all that complicated that a year ought to have been consumed in the process by the respondents.

12. Be that as it may, it is a matter of record that the appointment letter was issued to the private respondent only in the month of March, 2025. Of course, as the respondents had reserved the right with themselves to verify the documents of the candidates at the time of personal interview prior to engagement, this formality was completed by them in terms of Annexure P-7 on 20-11-2024.

13. The above demonstrates that it took one year for the respondent-department to invite candidates, who had participated in the process of selection process, for the purpose of verification of their documents. The Physical Efficiency Test, in fact, was held on 08-02-2024, which is evident from Annexure P-3 (colly.) appended with the petition.

14. Now, chronologically if one looks at it, here is a process of appointment of Van Mitras initiated in the month of November 2023; last date for submission of application forms was 30-12-2023; the Physical Efficiency Test of the candidates was conducted on 08-02-2024. Thereafter, the list of candidates, who successfully passed Physical Efficiency Test, was issued and the personal interviews were conducted on 20-11-2024, to verify the documents.

15. In the interregnum, what happens is that the petitioner solemnizes marriage in the month of March, 2024. In other words, after she had successfully participated in the Physical Efficiency Test, she solemnized marriage. In light of the fact that the family of the husband of the petitioner was not a BPL family and as she obviously, after marriage, had to reside with her husband, the candidature of the petitioner has been rejected on the ground that in the month of March 2024, after her marriage, her name was deleted from BPL list of Gram Panchayat Palli and she ceased to be a resident of Gram Panchayat Palli.

16. In the considered view of this Court, the rejection of the candidature of the petitioner and non-engagement of the petitioner against the post of Van Mitra on this count is not sustainable in the eye of law.

17. It is not in dispute that in the recruitment process, the petitioner was the most meritorious as far as Beat Drang is concerned. That being the case, this Court is of the considered view that the eligibility of the petitioner ought to have been adjudged by the Selection Committee as on the date she applied for the post.

18. The veracity of the documents submitted by her, though was to be verified with original at the time of personal interview prior to engagement, but this verification ought to have been confined to correctness of these documents at the time when the same were submitted by the candidate.

19. Simply because the department has consumed about a year's time in inviting the petitioner along with other candidates for the purposes of verification of documents, the department could not have expected the petitioner to remain unmarried, awaiting the outcome of the selection process. Though in the present case, the documents were verified in the month of November 2024, but it is not as if this was a pre-fixed date. Because an unmarried girl had applied for engagement against the post of Van Mitra, same did not estopp the girl not to solemnize marriage till the process of engagement of the Van Mitra was over. This Court would like to observe that there is no law in this country which ordinarily says that if an unmarried lady applies for a post, then she is under legal obligation not to change her marital status till the recruitment process is over that too for posts like Van Mitra.

20. Earlier also, this Court, while dealing a similar proposition in CWP No. 7048 of 2022, titled Kiran Devi versus Himachal Pradesh Staff Selection Commission and others, decided on 29-04-2026, has held as under:

"10. This Court is of the considered view that in these peculiar facts, as there is no law which says that a lady candidate who applies for job, cannot solemnize marriage till the process of recruitment is complete, it could not have been expected from the petitioner not to solemnize marriage in the interregnum just to await the outcome of the recruitment process. As the petitioner had applied for the post in issue when she was unmarried and as she had submitted an unemployment certificate to the effect that none from her parental family was in employment, it was said certificate, which ought to have been taken into consideration by the Recruitment Agency when her documents were scrutinized.

11. To put it conversely, if the petitioner had not submitted a certificate to the effect that none of her family members were in Government job from her parental side when she applied for the post, then after her marriage, if none on her marital side was in Government/Semi Government job, on furnishing of any such certificate at the time of verification of certificates, the same would not have been taken into consideration by the Authority, for the simple reason that eligibility of the candidate had to be assessed as on the date when he/she applied for the post in issue.

12. Not only this, in the advertisement, marks were meant for the 'landless family' and it is the contention of the petitioner that the same were not granted to her, on her request that her in laws were landless, which fact has not been rebutted by the respondents. This is a very precarious situation where a girl becomes a victim of circumstances, simply on account of her having solemnized marriage after having applied for a job in question. This Court is of the considered view that status of an unmarried girl for the purpose of assessing her eligibility for employment has to be construed as it was when she applied for the post and subsequent change in her status should not come her way for being offered appointment, in case she is entitled to it.

13. At this stage, this Court would like to refer to the judgment of the Hon'ble Supreme Court in State of Bihar and others Vs. Madhu Kant Ranjan and another, (2021) 17 Supreme Court cases 141, in which, Hon'ble Supreme Court has been pleased to reiterate that the settled preposition of law is that a candidate/applicant has to comply with all the conditions/eligibility criteria as per the advertisement before the cut-off date mentioned therein unless extended by the recruiting authority and also, only those documents,

which are submitted alongwith the application, which are required to be submitted as per the advertisement, have to be considered.

14. Accordingly, in light of the above discussion, this petition is allowed. The act of the Recruiting Agency of not awarding one mark to the petitioner for the Certificate submitted by her when she applied for the post that none from her parental side being in Government/Semi Government job, on the ground that after applying for the job, she had solemnized marriage, is held to be bad in law. Respondents are directed to award one mark to the petitioner under the said Head, calculate her merit and assign due position to her in the Waiting List and appoint her against the post in issue as from the date when others were appointed by assigning her due seniority, if candidate with less merit than her has been appointed. Though the appointment will be with consequential benefits, but the same shall be notional as from the date of appointment till the date of the judgment. It is further observed that the private respondents who otherwise have been offered appointment, shall not be disturbed in the process and if no post is available, then a supernumerary post shall be created or the petitioner shall be adjusted against the same or the petitioner shall be appointed against any other post available with the Department. The petition stands disposed of accordingly, so also pending miscellaneous applications, if any."

21. Accordingly, in the light of the above observations, this Court holds the act of the respondents of not engaging the petitioner as a Van Mitra for Drang Beat, Drang Forest Range, in Forest Division, Mandi, as has been intimated to her vide Annexure P-11, to be bad in law. Annexure P-11 is quashed and set aside. In the light of the fact that the petitioner was the most meritorious amongst the candidates who had applied for engagement as a Van Mitra in this particular Beat, appointment ought to have been offered to the petitioner. Respondents are accordingly directed to appoint the petitioner against the post of Van Mitra forthwith and her appointment against the said post shall be deemed to be as from the date when other incumbents, who were offered appointment vide Annexure P-10, dated 15-3-2025 were appointed, along with all consequential benefits including monetary and seniority. Monetary benefits shall be actual. As far as the private respondent is concerned, because in this entire episode, no fault can be attributed to her, therefore, this Court is not disturbing her appointment and it is for the respondent department to either continue with her services in the same Beat or to adjust her in some other nearby Beat. Pending miscellaneous applications, if any, also stand disposed of.