
(2010) 12 SHI CK 0103
In the High Court Of Himachal Pradesh
Case No : CWP No. 7631 of 2010

Prem Pal Singh Rana

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 06-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0103

Hon'ble Judges : Kurian Joseph, C.J;V.K. Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The Petitioners are working as teachers on PTA basis. They are aggrieved and have approached this Court, when they have been sought to be replaced by the regular/contract teachers. No doubt, as rightly pointed out by the learned Additional Advocate General, PTA teachers do not have lien on the posts. It has been stated clearly in the Grant-in-aid Rules and also in the orders of their appointments that they will have to give room for the teachers appointed on regular/contract basis. But, a factual situation remains to be addressed by the State/Directorate. As far as regularly appointed teachers are concerned, be it on contract basis or otherwise, they can be appointed/accommodated in any of the schools, where there are open vacancies and where service of a PTA teacher is also not available. The PTA arrangement has been made only to meet the exigency in the absence of regular teachers. But, as pointed out by the learned Counsel for the Petitioners, there are several schools in and around, where the regularly appointed teachers can be accommodated. There is no case that services of teachers are not required in those places, where there are open vacancies.

2. In the above circumstances, these writ petitions are disposed of as under:

An attempt shall be made by the Directorate to see as to whether the regularly appointed teachers, be it on contract basis or otherwise selected by the Himachal Pradesh Subordinate Services Selection Board, can be accommodated in any of the posts, which are lying vacant even without PTA teachers. After making such

an attempt only the replacement of PTA teachers need to be made. It will be open to the Petitioners also to point out such vacant posts, where services of the teachers are required, so as to enable the Directorate to pass appropriate orders, as above.

This exercise shall be completed within a period of six weeks from the date of receipt/production of a copy of this judgment by the Petitioners. In case any regularly appointed/contract teacher is to be replaced in implementation of this judgment, that teacher shall also be afforded an opportunity of hearing.

The learned Additional Advocate General submits that the PTA teachers may claim permanent status. We do not find any basis for such apprehension. They are appointed under a particular Government policy. So long as the policy is kept in tact, they are bound by the orders of appointment/agreements executed in terms of the policy. Therefore, in tune with the progress in 3 regular appointment, PTA appointees will have to be replaced in a phased manner, unless the policy is changed.