

**(2020) 10 SHI CK 0304**  
**In the High Court Of Himachal Pradesh**  
**Case No : Civil Writ Petition No. 3535 Of 2020**

Sanjeev Thakyal

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

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**Date of Decision :** 06-10-2020

**Acts Referred:**

**Citation :** (2020) 10 SHI CK 0304

**Hon'ble Judges :** Sandeep Sharma, J

**Bench :** Single Bench

**Advocate :** C.N. Singh, Sudhir Bhatnagar, Arvind Sharma, Kunal Thakur, Vikrant Thakur

**Final Decision :** Disposed Of

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## Judgement

Sandeep Sharma, J

1. By way of present petition, petitioner has prayed for following main relief(s):

"i) Issue a writ of Certiorari, Mandamus or other appropriate writ or direction quashing the letter dated 04.06.2020 (Annexure P-12) for all intents and purposes.

ii) Issue a writ of Certiorari, Mandamus or other appropriate writ or direction quashing the advertisement dated 25.08.2020, (Annexure P-13) qua one post of Assistant Professor (Anatomy) (against which the Petitioner is already working) at Pt. Jawahar Lal Government Medical College, Chamba , for all intents and purposes.

iii). Issue a writ of Certiorari, Mandamus or other appropriate writ or direction , directing the respondents to regularize the contractual services of the petitioner after completion of his three years of Contractual services, in terms of the regularization policy of the respondent State against the post of Assistant Professor (Anatomy) at Pt. Jawahar Lal Government Medical College, Chamba on which petitioners is presently working, for all intents and purposes.

iv) Issue a writ of Certiorari, Mandamus or other appropriate writ or direction quashing the action of the respondents i.e. the respondent No.5 from replacing one contractual employee ( i.e. the Petitioner ) by another contractual employee.

v) Issue a writ of Certiorari, Mandamus or other appropriate writ or direction , keeping in view the fact that since there is acute shortage of teaching faculty in the Medical colleges in the

State the respondent may be directed to give similar benefit of regularization to the petitioner as was done in the past, regularizing the contractual services of all the Faculty members in Medical Education also keeping in view Government policy.

vi) Issue a writ of Certiorari, Mandamus or other appropriate writ or direction , directing the respondent no. 5 to pay monthly remuneration for the months of April and May, 2020."

2. On 14.9.2020, this Court directed the respondents not to offer appointment to the post of Assistant Professor (Anatomy) without the leave of the Court. Thereafter, on 29.9.2020, learned Senior Additional Advocate General, sought time for filing reply, however, today, learned Additional Advocate General has placed on record instructions dated 5.10.2020 received from the office of Secretary (Health) to the Government of Himachal Pradesh, relevant portion of which reads as follows:

"... Therefore, after examination approval was conveyed and the contract tenure of the petitioner was renewed upto 15-02-2020 to 14-02-2021 or till the post is filled up by the regular incumbent whichever is earlier. It is relevant to mention here that the Petitioner does not fulfill the eligibility criteria as per the Recruitment and Promotion rules prescribed above as such, the respondent in continuation of letter dated 27-05-2020 issued clarification dated 04-06-2020 (Annexure P-12) that the renewal of Petitioner has been approved by the Government as per MCI requirement only and respondent No.5 may be directed to continue the process of filling up of aforesaid post as per State R&P Rules and the appointment of Petitioner shall be valid till the post is filled up as per State R&P Rules, which is still in force. "

3. In view of the aforesaid instructions, learned Counsel appearing for the petitioner does not press his other reliefs, save and except relief No. (iv), which stands redressed as the respondents have decided to continue with the services of the petitioner till 15.2.2021 and have undertaken to fill up the said post only by way of regular appointment.

4. In view of aforesaid present petition is disposed of as having been rendered infructuous, reserving liberty to the petitioner to file appropriate proceedings before appropriate forum, qua surviving grievance(s), if any, more particularly, claim for regularization of services. Petition stands disposed of in the aforesaid terms alongwith all pending applications.