

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.3162 of 2013 & Connected matters.

Reserved on : 17.10.2013.

Date of Decision : 22.10.2013.

1. CWP No.3162 of 2013-G

Harish Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

2. CWP No.3143 of 2013-E

Sher Singh	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

3. CWP No.3157 of 2013-F

Sanjeev Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

4. CWP No.3159 of 2013-F

Mahender Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

5. CWP No.3160 of 2013-F

Banke Lal	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

6. CWP No.3161 of 2013-G

Bharat Singh	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

7. CWP No.3269 of 2013-G

Harish Kumar	..Petitioner.
Versus	

...2...

State of H.P. and others. .. Respondents.

8. CWP No.3274 of 2013-H

Sanjeev Kumar ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

9. CWP No.3275 of 2013-H

Naresh Kumar ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

10. CWP No.3276 of 2013-H

Jagdish Chand ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

11. CWP No.3277 of 2013-H

Yogesh Kumar Sharma ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

12. CWP No.3425 of 2013-C

Jasvir Kaur ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

13. CWP No.3426 of 2013-C

Vijay Kumar ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

14. CWP No.3427 of 2013-C

Rakesh Kumar ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

15. CWP No.3428 of 2013-C

Ramesh Kumar ..Petitioner.

...3...

Versus

State of H.P. and others.

.. Respondents.

16. CWP No.3429 of 2013-C

Hemant Kumar

..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

17. CWP No.3437 of 2013-D

Devender Singh

..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

18. CWP No.4174 of 2013-H

Manmohan Singh and others.

..Petitioners.

Versus

State of H.P. and others.

.. Respondents.

19 CWP No.4177 of 2013-H

Rekha Kumari & ors.

..Petitioners.

Versus

State of H.P. and others.

.. Respondents.

20. CWP No.4214 of 2013-B

Shiv Kumar.

..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

21. CWP No.4243 of 2013-E

Rajesh Kumar & ors.

..Petitioners.

Versus

State of H.P. and others.

.. Respondents.

22. CWP No. 4258 of 2013-F

Dinesh Kumar.

..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

23. CWP No. 4286 of 2013-I

...4...

Smt. Sarika Sharma. ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

24. CWP No. 4287 of 2013-I

Smt.Rama Chaudhary. ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

25. CWP No. 4293 of 2013-J

Sushma Devi ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

26. CWP No. 4298 of 2013-J

Sohan Singh ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

27. CWP No. 4302 of 2013-A

Sandeep Kumar. ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

28 CWP No. 4314 of 2013-B

Sandeep Kumar. ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

29. CWP No. 4323 of 2013-C

Saroj Kumari. ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

30. CWP No. 4453 of 2013-F

Sh. Jatin. ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

31. CWP No. 4454 of 2013-F

Manoj Kumar Sharma. ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

32. CWP No. 4526 of 2013-C

Sunita Devi. ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

33. CWP No. 4545 of 2013-E

Neera Kumari. ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

34. CWP No. 4546 of 2013-E

Joginder Singh. ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

35. CWP No. 4547 of 2013-E

Ms. Anita. ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

36. CWP No. 4548 of 2013-E

Sh. Jagmohan Singh. ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

37. CWP No. 4585 of 2013-I

Sh. Bhim Singh ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

38. CWP No. 4603 of 2013-A

Anil Dutt. ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

...6...

39. CWP No. 4605 of 2013-A
Sahi Ram.

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

40. CWP No. 4620 of 2013-B

Anil Kumar Gautam

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

41. CWP No. 4633 of 2013-D

Hem Chand.

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

42. CWP No. 4634 of 2013-D

Prakasha Nand.

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

43. CWP No. 4636 of 2013-D

Nisha Devi.

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

44. CWP No. 4661 of 2013-G

Sujata Kumari.

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

45. CWP No. 4744 of 2013-E

Ram Krishan.

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

46. CWP No. 4747 of 2013-E

Dinesh Chand.

Versus

..Petitioner.

...7...

State of H.P. and others.

.. Respondents.

47. CWP No. 4749 of 2013-E

Vikas Bhardwaj.

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

48. CWP No. 4751 of 2013-F

Pradeep Sharma.

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

49. CWP No. 4773 of 2013-H

Asha Kumari.

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

50. CWP No. 4774 of 2013-H

Heemi Devi.

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

51. CWP No. 4775 of 2013-H

Naresh Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

52. CWP No. 4776 of 2013-H

Neeta Ram.

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

53. CWP No. 4777 of 2013-H

Hardyal Singh.

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

54. CWP No. 4778 of 2013-H

Ravi Dutt.

Versus

..Petitioner.

...8...

State of H.P. and others.	.. Respondents.
55. CWP No. 4780 of 2013-H	
Vishal Thakur.	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
56. CWP No. 4782 of 2013-I	
Sushil Chauhan.	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
57. CWP No. 4784 of 2013-I	
Bittu Ram	Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
58 CWP No. 4805 of 2013-A	
Pradeep Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
59. CWP No. 4820 of 2013-B	
Duni Chand	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
60. CWP No. 4821 of 2013-C	
Renuka	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
61. CWP No. 4843 of 2013-E	
Naresh Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
62. CWP No. 4851 of 2013-F	
Vijender Singh	..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

63. CWP No. 4857 of 2013-F

Satish Kumar

..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

64. CWP No. 4858 of 2013-F

Anuj Sharma

..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

65. CWP No. 4859 of 2013-F

Rupender Kumar

..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

66. CWP No. 4860 of 2013-F

Yash Pal

....Petitioner

Versus

State of H.P. and others.

.. Respondents.

67. CWP No. 4865 of 2013-I

Amit Kumar

..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

68 CWP No. 4871 of 2013-H

Veena Kumari

..Petitioner.

Versus

...10...

State of H.P. and others. .. Respondents.

69. CWP No. 4881 of 2013-I

Bihari Lal & others ..Petitioners.
Versus

State of H.P. and others. .. Respondents.

70. CWP No. 4891 of 2013-J

Jai Pal Singh ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

71. CWP No. 4893 of 2013-J

Sunder Singh ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

72. CWP No. 4903 of 2013-A

Ratti Ram ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

73. CWP No. 4904 of 2013-A

Kapil Dev ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

74 CWP No. 4912 of 2013-B

Ajay Kumar ...Petitioner.
Versus

State of H.P. and others. .. Respondents.

75. CWP No. 4913 of 2013-B

Ajay Singh ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

76. CWP No. 4924 of 2013-C

Shammi Sharma ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

77. CWP No. 4941 of 2013-E

Budhi Parkash ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

78. CWP No. 4946 of 2013-E

Sunil Sharma ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

79 CWP No. 4951 of 2013-F

Keshav Ram ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

80. CWP No. 4952 of 2013-F

Subhadra Devi ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

81. CWP No. 4958 of 2013-F

Ranjana Kumari

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

82. CWP No. 4959 of 2013-F

Bhupinder Singh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

83. CWP No. 4960 of 2013-F

Sanjay Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

84. CWP No. 4961 of 2013-G

Mahender Lal

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

85. CWP No. 4962 of 2013-G

Jagdev Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

86. CWP No. 4963 of 2013-G

Reena Kumari

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

87. CWP No. 4964 of 2013-G

Bodh Raj

..Petitioner.

...13...

Versus

State of H.P. and others. .. Respondents.

88. CWP No. 4966 of 2013-G

Ramesh Kumar

..Petitioner.

Versus

State of H.P. and others. .. Respondents.

89. CWP No. 4967 of 2013-G

Shukar Deen

..Petitioner.

Versus

State of H.P. and others. .. Respondents.

90 CWP No. 4968 of 2013-G

Uttam Singh

..Petitioner.

Versus

State of H.P. and others. .. Respondents.

91. CWP No. 4973 of 2013-H

Harish Kumar

..Petitioner.

Versus

State of H.P. and others. .. Respondents.

92. CWP No. 4974 of 2013-H

Sanjay Kumar

..Petitioner.

Versus

State of H.P. and others. .. Respondents.

93. CWP No. 4975 of 2013-H

Chander Parkash

..Petitioner.

Versus

State of H.P. and others. .. Respondents.

94. CWP No. 4980 of 2013-H

Savita Kumari ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

95. CWP No. 4981 of 2013-I

Rajiv Singh ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

96. CWP No. 4982 of 2013-I

Vikram Dutt ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

97.CWP No. 4983 of 2013-I

Naresh Kumar ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

98. CWP No. 4984 of 2013-I

Narinder Singh Chauhan ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

99. CWP No. 4987 of 2013-I

Reeta Sharma ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

100. CWP No. 4998 of 2013-J

Chande Ram ..Petitioner.
Versus
State of H.P. and others. .. Respondents.

101. CWP No. 4999 of 2013-J

Rajinder Singh ..Petitioner.
Versus
State of H.P. and others. .. Respondents.

102. CWP No. 5006 of 2013-A

Rekha Devi ..Petitioner.
Versus
State of H.P. and others. .. Respondents.

103. CWP No. 5009 of 2013-A

Puran Chand ..Petitioner.
Versus
State of H.P. and others. .. Respondents.

104. CWP No. 5012 of 2013-B

Baldev Singh ..Petitioner.
Versus
State of H.P. and others. .. Respondents.

105. CWP No. 5015 of 2013-B

Dinesh Kumar ..Petitioner.
Versus
State of H.P. and others. .. Respondents.

106. CWP No. 5016 of 2013-B

Sushil Kalia

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

107. CWP No. 5019 of 2013-B

Hans Raj Thakur

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

108. CWP No. 5020 of 2013-B

Anjana Devi

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

109. CWP No. 5022 of 2013-C

Sunita Devi

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

110. CWP No. 5023 of 2013-C

Veena Kumari

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

111. CWP No. 5026 of 2013-D

Prmod Sharma

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

112. CWP No. 5029 of 2013-C

Varjesh Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

113. CWP No. 5030 of 2013-C

Chetan Chauhan

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

114. CWP No. 5031 of 2013-D

Maninder Lal

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

115. CWP No. 5032 of 2013-D

Champa Devi

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

116. CWP No. 5033 of 2013-D

Sunita Devi

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

117. CWP No. 5040 of 2013-D

Yoginder Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

118. CWP No. 5042 of 2013-E

Jeevan Lal

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

119. CWP No. 5045 of 2013-E

Sudesh Kumar

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

120. CWP No. 5046 of 2013-E

Suman Kumar

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

121. CWP No. 5047 of 2013-E

Bhumesh

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

122. CWP No. 5063 of 2013-G

Shyam Lal

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

123. CWP No. 5073 of 2013-H

Kartik

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

124. CWP No. 5074 of 2013-H

Promila Devi

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

125. CWP No. 5076 of 2013-H

Vinod Kumar

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

126. CWP No. 5081 of 2013-I

Reena Thakur

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

127. CWP No. 5084 of 2013-I

Balbir Singh

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

128. CWP No. 5085 of 2013-I

Reena Devi

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

129. CWP No. 5086 of 2013-I

Pratap Singh

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

130. CWP No. 5087 of 2013-I

Kamal Dev

..Petitioner.

...20...

Versus

State of H.P. and others.

.. Respondents.

131. CWP No. 5088 of 2013-H

Surekha Kumari & anr.

..Petitioners

Versus

State of H.P. and others.

.. Respondents.

132. CWP No. 5091 of 2013-J

Rajeev Kumar

..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

133. CWP No. 5093 of 2013-J

Ramesh Kumar

..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

134. CWP No. 5096 of 2013-J

Sunita Devi

..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

135. CWP No. 5097 of 2013-J

Mamta Rangta & anr.

..Petitioners.

Versus

State of H.P. and others.

.. Respondents.

136. CWP No. 5098 of 2013-J

Mohan Lal

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

137. CWP No. 5100 of 2013-J

Naveen Chauhan

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

138. CWP No. 5103 of 2013-A

Sushma Devi

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

139. CWP No. 5106 of 2013-A

Chaman Lal

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

140. CWP No. 5107 of 2013-A

Jitender Singh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

141. CWP No. 5108 of 2013-A

Suman Sharma

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

142. CWP No. 5109 of 2013-A

Ranjit Singh & ors

Versus

State of H.P. and others.

..Petitioners.

.. Respondents.

143. CWP No. 5110 of 2013-A

Sarita Kumari

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

144. CWP No. 5111 of 2013-A

Arun Jyoti

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

145. CWP No. 5139 of 2013

Gopal Singh

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

146. CWP No. 5140 of 2013-D

Shishu Pal

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

147. CWP No. 5146 of 2013-E

Surender Singh

Versus

State of H.P. and others.

..Petitioner.

.. Respondents.

148. CWP No. 5147 of 2013-E

Jitender

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

149. CWP No. 5148 of 2013-E

Anita Devi

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

150. CWP No. 5151 of 2013-F

Sunil Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

151. CWP No. 5153 of 2013-F

Partap Chand

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

152. CWP No. 5154 of 2013-F

Dinesh Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

153. CWP No. 5158 of 2013-F

Badri Ram Bhimta

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

154. CWP No. 5161 of 2013-G

Aprajita

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

155. CWP No. 5162 of 2013-G

Surender Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

156. CWP No. 5171 of 2013-H

Chatter Singh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

157. CWP No. 5177 of 2013-H

Pratibha

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

158. CWP No. 5178 of 2013-H

Ram Ratti Devi

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

159. CWP No. 5188 of 2013-I

Kuldeep Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

160. CWP No. 5190 of 2013-I

Charan Singh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

161. CWP No. 5195 of 2013-J

Rachna Devi

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

162. CWP No. 5216 of 2013-B

Anil Kumar Bahri

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

163. CWP No. 5217 of 2013-B

Puneet Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

164. CWP No. 5222 of 2013-C

Yashwant Singh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

165. CWP No. 5225 of 2013-C

Leela Devi

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

166. CWP No. 5226 of 2013-C

Ram Singh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

167. CWP No. 5235 of 2013-D

Kapil Dev

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

168. CWP No. 5236 of 2013-D

Pankaj Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

169. CWP No. 5237 of 2013-D

Arun Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

170. CWP No. 5238 of 2013-D

Chander Shakhar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

171. CWP No. 5239 of 2013-D

Neela Devi	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

172. CWP No. 5245 of 2013-E

Hari Chand	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

173. CWP No. 5248 of 2013-E

Neena Kumari	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

174. CWP No. 5249 of 2013-E

Balbir Singh	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

175. CWP No. 5251 of 2013-F

Sanjay Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

176. CWP No. 5341 of 2013-E

Kaushalya Devi

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

177. CWP No. 5351 of 2013-F

Vinod Kumar Sharma

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

178. CWP No. 5377 of 2013-H

Sarita Kumari

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

179. CWP No. 5378 of 2013-H

Desh Raj

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

180. CWP No.5379 of 2013-H

Shyam Singh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

181. CWP No. 5380 of 2013-H

Shama Kumari

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

182. CWP No. 5381 of 2013-I

Duni Chand & ors

..Petitioners.

Versus

State of H.P. and others. .. Respondents.

183. CWP No. 5394 of 2013

Kumari Kalpana

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

184. CWP No. 5396 of 2013-I

Mukesh Kumar & anr.

Versus

..Petitioners.

State of H.P. and others.

.. Respondents.

185. CWP No. 5397 of 2013-J

Pankaj Kumar & anr.

Versus

..Petitioners.

State of H.P. and others.

.. Respondents.

186. CWP No. 5398 of 2013-J

Rajni Devi

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

187. CWP No. 5401 of 2013-A

Hukam Singh & anr.

Versus

..Petitioners.

State of H.P. and others.

.. Respondents.

188. CWP No. 5402 of 2013-A

Heera Lal Sharma

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

189. CWP No. 5403 of 2013-A

Ramesh Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

190. CWP No. 5405 of 2013-A

Narinder Singh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

191. CWP No. 5410 of 2013-A

Chander Kanta Darni

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

192. CWP No. 5419 of 2013-B

Bhuvnesh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

193. CWP No. 5424 of 2013-C

Harinder Singh & anr.

Versus

..Petitioners.

State of H.P. and others.

.. Respondents.

194. CWP No. 5425 of 2013-C

Anjana Devi

Versus

....Petitioner

State of H.P. and others.

.. Respondents.

195. CWP No. 5426 of 2013-C

Pan Chand

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

196 CWP No. 5427 of 2013-C

Satwinder Kaur

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

197. CWP No. 5428 of 2013-C

Bagga Ram

Versus

..Petitioner.

State of H.P. and others.	.. Respondents.
198. CWP No. 5431 of 2013-D	
Ravi Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
199. CWP No. 5432 of 2013-J	
Sanjay Kumar Sharma	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
200. CWP No. 5433 of 2013-D	
Sanjay Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
201. CWP No. 5434 of 2013-D	
Rahul Titla	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
202. CWP No. 5435 of 2013-D	
Hitesh Sharma	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
203. CWP No. 5436 of 2013-D	
Yash Pal	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
204. CWP No. 5437 of 2013-D	
Neeta Devi	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
205 CWP No. 5438 of 2013-D	
Pitamber Dutt	..Petitioner.
Versus	

State of H.P. and others.	.. Respondents.
206. CWP No. 5441 of 2013-C	
Popinder Singh Pista	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
207. CWP No. 5443 of 2013-E	
Babu Ram	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
208. CWP No. 5444 of 2013-E	
Amit Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
209. CWP No. 5445 of 2013-E	
Manjit Singh	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
210. CWP No. 5453 of 2013-F	
Labh Singh	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
211. CWP No. 5454 of 2013-F	
Gagan Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
212. CWP No. 5455 of 2013-F	
Durga Dass	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
213. CWP No. 5456 of 2013-F	

Inder Singh & others	..Petitioners.
Versus	
State of H.P. and others.	.. Respondents.
214. CWP No. 5457 of 2013-F	
Ajay Bhardwaj	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
215. CWP No. 5458 of 2013-F	
Virender Dutt	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
216. CWP No. 5460 of 2013-F	
Sangeet Bharti	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
217. CWP No. 5461 of 2013-G	
Madan Lal	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
218. CWP No. 5462 of 2013-G	
Sewak Ram	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
219. CWP No. 5463 of 2013-G	
Anil Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
220. CWP No. 5470 of 2013-G	
Meena Devi	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
221. CWP No. 5473 of 2013-H	

Het Ram	Versus	..Petitioner.
State of H.P. and others.		.. Respondents.
222. CWP No. 5474 of 2013-H		
Mahinder Singh	Versus	..Petitioner.
State of H.P. and others.		.. Respondents.
223. CWP No. 5475 of 2013-H		
Him Singh	Versus	..Petitioner.
State of H.P. and others.		.. Respondents.
224. CWP No. 5477 of 2013-H		
Kanti Lal & Another	Versus	..Petitioners.
State of H.P. and others.		.. Respondents.
225. CWP No. 5478 of 2013-H		
Tej Ram	Versus	..Petitioner.
State of H.P. and others.		.. Respondents
226. CWP No. 5480 of 2013-H		
Roshan Lal & Another	Versus	..Petitioners.
State of H.P. and others.		.. Respondents
227. CWP No. 5493 of 2013-J		
Ait Singh	Versus	..Petitioner.
State of H.P. and others.		.. Respondents
228. CWP No. 5503 of 2013-A		
Kher Mohd & another	Versus	..Petitioners.
State of H.P. and others.		.. Respondents

229. CWP No. 5504 of 2013-A

Rajan Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

230. CWP No. 5505 of 2013-A

Sanjay

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

231. CWP No. 5506 of 2013-A

Murat Singh & Another

Versus

..Petitioners.

State of H.P. and others.

.. Respondents

232. CWP No. 5507 of 2013-A

Amresh Rana

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

233. CWP No. 5508 of 2013-A

Rahul Bhandari & Another

Versus

..Petitioners.

State of H.P. and others.

.. Respondents

234. CWP No. 5509 of 2013-A

Kuldeep Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

235. CWP No. 5511 of 2013-B

Parveen Sharma

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

236. CWP No. 5514 of 2013-B

Padam Dev & others

Versus

..Petitioners.

State of H.P. and others.

.. Respondents

237. CWP No. 5515 of 2013-B

Amar Singh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

238. CWP No. 5516 of 2013-B

Anoop Thakur

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

239. CWP No. 5517 of 2013-B

Tek Singh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

240. CWP No. 5520 of 2013-B

Mohan Singh Rolta

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

241. CWP No. 5521 of 2013-C

Ravinder Dutt Sharma & Another

Versus

..Petitioners.

State of H.P. and others.

.. Respondents

242. CWP No. 5522 of 2013-C

Kamla Devi

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

243. CWP No. 5523 of 2013-C

Tapinder Mohan Sharma

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

244. CWP No. 5524 of 2013-C

Shamsher Singh & Another
Versus

..Petitioners.

State of H.P. and others.

.. Respondents

245. CWP No. 5525 of 2013-C

Sher Singh
Versus

..Petitioner.

State of H.P. and others.

.. Respondents

246. CWP No. 5526 of 2013-C

Surinder Kumar
Versus

..Petitioner.

State of H.P. and others.

.. Respondents

247. CWP No. 5533 of 2013-D

Rakesh Kumar & Another
Versus

..Petitioners.

State of H.P. and others.

.. Respondents

248. CWP No. 5534 of 2013-D

Sandhya
Versus

..Petitioner.

State of H.P. and others.

.. Respondents

249. CWP No. 5535 of 2013-D

Sunita & another
Versus

..Petitioners.

State of H.P. and others.

.. Respondents

250. CWP No. 5538 of 2013-D

Abdul Rehman & others
Versus

..Petitioners.

State of H.P. and others.

.. Respondents

251. CWP No. 5544 of 2013-E

Bimla Devi & Another
Versus

..Petitioners.

State of H.P. and others.

.. Respondents

252. CWP No. 5572 of 2013-H

Rajeshwari & Another
Versus

..Petitioners.

State of H.P. and others.

.. Respondents

253. CWP No. 5574 of 2013-H

Gurdarshan
Versus

..Petitioner.

State of H.P. and others.

.. Respondents

254. CWP No. 5575 of 2013-H

Prakash Vati
Versus

..Petitioner.

State of H.P. and others.

.. Respondents

255. CWP No. 5576 of 2013-H

Suraj Dagotra
Versus

..Petitioner.

State of H.P. and others.

.. Respondents

256. CWP No. 5582 of 2013-I

Vijay Kumar
Versus

..Petitioner.

State of H.P. and others.

.. Respondents

257. CWP No. 5583 of 2013-I

Anil Kumar
Versus

..Petitioner.

State of H.P. and others.

.. Respondents

258. CWP No. 5584 of 2013-I

Sanjay Kumar
Versus

..Petitioner.

State of H.P. and others.

.. Respondents

259. CWP No. 5586 of 2013-I

Munish Kumar
Versus

..Petitioner.

State of H.P. and others. .. Respondents

260. CWP No. 5591 of 2013-J

Shamsher Singh ..Petitioner.
Versus

State of H.P. and others. .. Respondents

261. CWP No. 5592 of 2013-J

Devinder Singh ..Petitioner.
Versus

State of H.P. and others. .. Respondents

262. CWP No. 5632 of 2013-D

Surjeet ..Petitioner.
Versus

State of H.P. and others. .. Respondents

263. CWP No. 5633 of 2013-D

Anju Naidu ..Petitioner.
Versus

State of H.P. and others. .. Respondents

264. CWP No. 5634 of 2013-D

Suresh Kumar ..Petitioner.
Versus

State of H.P. and others. .. Respondents

265. CWP No. 5635 of 2013-D

Chandan Singh ..Petitioner.
Versus

State of H.P. and others. .. Respondents

266. CWP No. 5636 of 2013-D

Himanshu ..Petitioner.
Versus

State of H.P. and others. .. Respondents

267. CWP No. 5643 of 2013-E

Shashi Kumar	Versus	..Petitioner.
State of H.P. and others.		.. Respondents
268. CWP No. 5648 of 2013-E		
Lekh Ram	Versus	..Petitioner.
State of H.P. and others.		.. Respondents
269. CWP No. 5649 of 2013-E		
Amit Verma	Versus	..Petitioner.
State of H.P. and others.		.. Respondents
270. CWP No. 5650 of 2013-E		
Sanjay Sharma	Versus	..Petitioner.
State of H.P. and others.		.. Respondents
271. CWP No. 5651 of 2013-F		
Anil Kumar	Versus	..Petitioner.
State of H.P. and others.		.. Respondents
272. CWP No. 5652 of 2013-F		
Jasvinder Singh	Versus	..Petitioner.
State of H.P. and others.		.. Respondents
273. CWP No. 5653 of 2013-F		
Arun Kumar	Versus	..Petitioner.
State of H.P. and others.		.. Respondents
274. CWP No. 5661 of 2013-G		
Madan Lal	Versus	..Petitioner.
State of H.P. and others.		.. Respondents

275. CWP No. 5664 of 2013-G

Vijay Chauhan

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

276. CWP No. 5682 of 2013-I

Rakesh Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

277. CWP No. 5689 of 2013-I

Kartar Singh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

278. CWP No. 5695 of 2013-J

Harish Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

279. CWP No. 5775 of 2013

Gagneshwari Devi

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

280. CWP No. 5806 of 2013-A

Ram Lal

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

281. CWP No. 5808 of 2013-A

Kanwar Singh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents

282. CWP No. 5843 of 2013-E

Vinod Kumar

..Petitioner.

Versus

State of H.P. and others.

.. Respondents

283. CWP No. 5850 of 2013-E

Menka and another

..Petitioners.

Versus

State of H.P. and others.

.. Respondents.

284. CWP No. 5857 of 2013-F

Suneel Dutt Bhatia

..Petitioner.

Versus

State of H.P. and others.

.. Respondents

285.CWP No. 5865 of 2013-G

Shikha

..Petitioner.

Versus

State of H.P. and others.

.. Respondents

286.CWP No. 5870 of 2013-G

Arpan Thakur

..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

287.CWP No. 5879 of 2013-H

Kewal Kumar

..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

288.CWP No. 5880 of 2013-H

Arvind Kumar

..Petitioner.

Versus

State of H.P. and others.

.. Respondents.

289.CWP No. 5891 of 2013-J

Sangita and another

..Petitioners.

Versus

State of H.P. and others.	.. Respondents.
290.CWP No. 5897 of 2013-J	
Het Ram	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
291.CWP No. 5901 of 2013-A	
Madhu Thakur	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
292.CWP No. 5907 of 2013-A	
Tota Ram	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
293. CWP No. 5908 of 2013-A	
Jog Raj	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
294. CWP No. 5910 of 2013-A	
Sohan Lal	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
295.CWP No. 5941 of 2013-E	
Dipesh Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
296.CWP No. 5950 of 2013-E	
Veena Kumari	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
297.CWP No. 5951 of 2013-F	
Dinesh Chaudhary	..Petitioner.

Versus

State of H.P. and others. .. Respondents.

298.CWP No. 6008 of 2013-A

Khem Raj ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

299.CWP No. 6051 of 2013-F

Devinder Kumar ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

300.CWP No. 6052 of 2013-J

Ranbir Mehta ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

301.CWP No. 6071 of 2013-H

Bandana Bala ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

302.CWP No. 6072 of 2013-H

Ramesh Sharma ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

303.CWP No. 6080 of 2013-H

Pardeep Kumar ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

304.CWP No. 6093 of 2013-J

Chiranji Lal ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

305. CWP No. 6095 of 2013-J

Bhag Chand	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
306.CWP No. 6096 of 2013-J	
Chuni Lal & another	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
307.CWP No. 6101 of 2013-A	
Narinder Singh Chauhan	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
308.CWP No. 6118 of 2013-B	
Rupinder Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
309.CWP No. 6121 of 2013-C	
Manoj Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
310 CWP No. 6139 of 2013-D	
Anjana Devi	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.
311.CWP No. 6143 of 2013-E	
Kushal Dutt & another	..Petitioners.
Versus	
State of H.P. and others.	.. Respondents.
312.CWP No. 6149 of 2013-E	
Rekha Sharma	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

313.CWP No. 6150 of 2013-E

Shyam Sunder & another
Versus ..Petitioners.

State of H.P. and others. .. Respondents.

314.CWP No. 6153 of 2013-F

Narinder Sharma
Versus ..Petitioner.

State of H.P. and others. .. Respondents.

315.CWP No. 6223 of 2013-C

Roshan Lal
Versus ..Petitioner.

State of H.P. and others. .. Respondents.

316.CWP No. 6225 of 2013-C

Anita Sharma
Versus ..Petitioner.

State of H.P. and others. .. Respondents.

317.CWP No. 6226 of 2013-C

Sonia Madan
Versus ..Petitioner.

State of H.P. and others. .. Respondents.

318.CWP No. 6246 of 2013-E

Prianka Devi
Versus ..Petitioner.

State of H.P. and others. .. Respondents.

319.CWP No. 6256 of 2013-F

Babita Kumari
Versus ..Petitioner.

State of H.P. and others. .. Respondents.

320.CWP No. 6269 of 2013-G

Shanta Kumari ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

321.CWP No. 6287 of 2013

Ranvir Singh ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

322.CWP No. 6292 of 2013-J

Jai Prakash ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

323.CWP No. 6299 of 2013-J

Sapna and others. ..Petitioners.

Versus

State of H.P. and others. .. Respondents.

324. CWP No. 6301 of 2013-A

Amita Negi ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

325.CWP No. 6303 of 2013-A

Raghubinder Singh ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

326.CWP No. 6319 of 2013-B

Prem Singh ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

327.CWP No. 6322 of 2013-C

Suneel Singh ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

328.CWP No. 6325 of 2013-C

Babita

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

329.CWP No. 6326 of 2013-C

Manish Kumar

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

330. CWP No. 6330 of 2013-C

Babu Ram

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

331.CWP No. 6372 of 2013-H

Narottam Singh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

332.CWP No. 6390 of 2013-I

Dila Ram

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

333.CWP No. 6439 of 2013-D

Man Singh

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

334.CWP No. 6468 of 2013-G

Kishan

Versus

..Petitioner.

State of H.P. and others.

.. Respondents.

335.CWP No. 6478 of 2013-H

Bhag Chand

..Petitioner.

Versus

State of H.P. and others. .. Respondents.

336.CWP No. 6484 of 2013-I

Rakesh Kumar

..Petitioner.

Versus

State of H.P. and others. .. Respondents.

337.CWP No. 6511 of 2013-B

Ravinder Kumar

..Petitioner.

Versus

State of H.P. and others. .. Respondents.

338.CWP No. 6551 of 2013-F

Rajesh Kumar Sharma

..Petitioner.

Versus

State of H.P. and others. .. Respondents.

339.CWP No. 6556 of 2013-F

Bir Singh

..Petitioner.

Versus

State of H.P. and others. .. Respondents.

340.CWP No. 6560 of 2013-F

Vilam Singh

..Petitioner.

Versus

State of H.P. and others. .. Respondents.

341.CWP No. 6583 of 2013-I

Sita Devi

..Petitioner.

Versus

State of H.P. and others. .. Respondents.

342.CWP No. 6585 of 2013-I

Rekha Devi

..Petitioner.

Versus

State of H.P. and others. .. Respondents.

343.CWP No. 6736 of 2013-D

Mukesh Kumar ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

344.CWP No. 6737 of 2013-D

Narinder ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

345.CWP No. 6754 of 2013-F

Yashpal ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

346.CWP No. 6877 of 2013-H

Suman. ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

347.CWP No. 6878 of 2013-H

Chander Mohan ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

348.CWP No. 6907 of 2013-A

Sushma Devi ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

349.CWP No. 6948 of 2013-D

Gurdayal Singh ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

350. CWP No. 7057 of 2013-F

Diwan Singh ..Petitioner.
Versus

State of H.P. and others. .. Respondents.

351.CWP No. 7059 of 2013-F

Vinay Kumar ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

352. CWP No. 7197 of 2013-J

Tara Chand Thakur ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

353.CWP No. 7205 of 2013-A

Chuni Lal Thakur ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

354.CWP No. 7218 of 2013-B

Sneh Lata ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

355.CWP No. 7311 of 2013-B

Rakesh Kumar ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

356.CWP No. 7312 of 2013-B

Poonam Chauhan ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

357. CWP No. 7321 of 2013-C

Sumita Devi ..Petitioner.

Versus

State of H.P. and others. .. Respondents.

358.CWP No. 7343 of 2013-E

Rajender Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

359.CWP No. 7350 of 2013

Runa Devi	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

360.CWP No. 7351 of 2013-F

Jamna Devi	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

361.CWP No. 7373 of 2013

Rajesh Kumar	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

362. CWP No. 7374 of 2013-H

Attar Chand	..Petitioner.
Versus	
State of H.P. and others.	.. Respondents.

Coram:

The Hon'ble Mr. Justice Sanjay Karol, Judge.

Presence :

Mr. R.K. Sharma, Senior Advocate, with M/s. B.B. Vaid, Onkar Jairath, Rajinder Dogra, Rakesh Chandel, Archana Dutt, C.S. Thakur, Mukul Sood, Dinender Panwar, Shashi Kiran, Vinod Kumar Gupta, Sanjay Jaswal, Adarsh K. Vashisth, Lalit K. Sharma, Vandana Mishra, Dalip K. Sharma, Deepak Kaushal, D.C. Jaita, Surinder Saklani, R.S. Chandel, Naveen K. Bhardwaj, Rajinder Sharma, Devender Sharma, Maan Singh, B.N. Mehta, Mukul Sood and Bimal Gupta, Advocates, for the parties, in respective petitions.

Mr. Shrawan Dogra, Advocate General with Mr. R.S. Verma, Additional Advocate General and Mr. V.S. Chauhan, Additional Advocate General for the respondents-State.

Sanjay Karol, Judge

These petitions were heard and decided by a Division Bench, comprising Hon'ble the Chief Justice and Mr. Justice V.K. Sharma, J. Their Lordships expressed divergence of opinion vide separate judgments delivered on 1.10.2013. Hence, all these matters were placed for hearing before me.

2. At the time of hearing, learned counsel for the parties made a submission that with regard to the petitioners serving in tribal/difficult areas, there is no divergence of opinion. Consequently, such petitions stood segregated as a separate bunch.

3. With regard to non-tribal areas, it was urged by learned counsel appearing on both sides that the only issue now left to be adjudicated is the question of liability of payment of remuneration to the teachers employed by the School Management Committee (SMC). Whether this liability is that of the State or that of the SMC, is the issue, which the parties confined for adjudication before this Court. The present bunch of petitions pertains to teachers serving in non-tribal areas.

4. At the threshold, I must clarify that my opinion is based purely on the submissions made by the learned counsel before me. I may not be misunderstood to have

either discussed or commented upon the respective opinions of my learned brothers.

5. With the promulgation of Constitution of India, every State, as per Directive Principles of State Policy (Part-IV), was under an obligation to provide, within a period of ten years from its commencement, free and compulsory education to all children uptill the age of fourteen years. With the constitution (Eighty-sixth amendment) Act, 2002 (referred to as the "Amendment Act"), Article 45 stood amended and State was obliged to make an endeavour to provide early childhood care and education to all children until they complete the age of six years. Significantly, the "Amendment Act" introduced a new Article 21A, in Part-III (Fundamental Rights) of Constitution of India, making it mandatory for the States to provide free and compulsory education to all children from the age of six to fourteen years, in a manner as the State may, by law determine. By the very same amendment, it became mandatory for a parent/guardian to provide opportunity for education to such children. Also, a new Clause (K) was introduced in Article 51A (Fundamental Duties) of Constitution of India.

6. Pursuant to the Constitutional mandate and requirement, Parliament of India enacted the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the Act), which came into force w.e.f. 1.4.2010, though notified on 26.8.2009. The object and purpose of the enactment is to strengthen the social

fabric of Indian democracy by providing equal opportunities to all, in the field of education. The concept of “neighbourhood schools” was introduced. State is duty bound to provide free and compulsory education to all children upto the age of fourteen years. Not only standard of education is to be enhanced, but children from marginalized, disadvantaged groups and weaker sections of society are to be afforded opportunities of basic elementary education. With this enactment, every child has a right to be provided full time satisfactory and quality elementary education in a formal school, fulfilling all essential norms and standards. This object is to be achieved by the State, by providing schools and ensuring admission, attendance and completion of elementary education.

7. Chapter-II of the Act provides for free and compulsory Right of Elementary Education, from first to eighth class, to children between the age of six and fourteen years.

8. Chapter-III of the Act provides for duties of the appropriate authority and the parents. Section 6 of this Chapter mandates the appropriate Government/local authority to establish neighbourhood schools. The burden to establish the same is both upon the Central and State Governments. Provisions of Sections 7, 8(b) and 8(d) of the Act are abundantly clear in this regard. It is mandatory for the appropriate Government, not only to establish

infrastructure, but also ensure posting of teaching staff in such schools.

9. Chapter-IV of the Act fixes responsibility of the schools, including teachers, for fulfilling and achieving its object and purpose. Section 21 of the said Chapter, mandates establishment of School Management Committees, hereinafter referred to as SMC(s), who are obliged to perform certain functions. For the purposes of convenience and ready reference, the provision is reproduced as under:

“21. (1) A school, other than a school specified in sub-clause (iv) of clause (n) of section 2, shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers:

Provided that atleast three-fourth of members of such Committee shall be parents or guardians:

Provided further that proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section:

(2) The School Management Committee shall perform the following functions, namely:-

- (a) monitor the working of the school;
- (b) prepare and recommend school development plan;
- (c) monitor the utilization of the grants received from the appropriate Government or local authority or any other source; and
- (d) perform such other functions as may be prescribed.

(Emphasis supplied)

10. Section 2(l) of the Act defines the word “Prescribed”.

11. Pupil-teacher ratio is to be maintained in the school, in accordance with the provisions of Section 25 of the Act and the schedule notified thereunder. For the present, Schedule prescribes ratio of two teachers for every 60 students to be maintained from Class-1 to Class-5 and one teacher each in the subjects of Science, Mathematics, Social Studies and Language for 35 students from Class-6 to Class-8.

12. These teachers must possess minimum academic qualification, to be notified under Section 23 of the Act and as per Section 26, all posts of teachers must be filled-up and under no circumstances, vacancy of a teacher is to exceed 10% of the total sanctioned strength.

13. Chapters V, VI and VII of the Act deal with laying down of the curriculum, as also protection of rights of children in the school and establishment of authority(s) to monitor the same. Section 35 of Chapter-V (Miscellaneous) empowers the Central Government to issue guidelines to the appropriate authority/local authority and Section 38 empowers the “appropriate Government” to frame Rules for carrying out the functions under the Act.

14. On 9.4.2010, the Central Government framed Right of Children to Free and Compulsory Education Rules, 2010 (hereinafter referred to as the “Central Rules”). Part-II of the said Rules mandates constitution of SMC(s) and

provides for functions to be discharged by them. Rule 6 reads as under:

“(6) The said Committee shall, in addition to the functions specified in clauses (a) to (d) of sub-section (2) of section 21, perform the following functions, namely:-

(a) communicate in simple and creative ways to the population in the neighbourhood of the school, the rights of the child as enunciated in the Act; as also the duties of the appropriate Government, local authority, school, parent and guardian;

(b) ensure the implementation of clauses (a) and (e) of section 24 and of section 28;

(c) monitor that teachers are not burdened with non academic duties other than those specified in section 27;

(d) ensure the enrolment and continued attendance of all the children from the neighbourhood in the school;

(e) monitor the maintenance of the norms and standards specified in the schedule:

(f) bring to the notice of the local authority any deviation from the rights of the child, in particular mental and physical harassment of children, denial of admission and timely provision of free entitlements as per sub-section (2) of section 3;

(g) identify the needs, prepare a plan, and monitor the implementation of the provisions of Section 4;

(h) monitor the identification and enrolment of, and facilities for education of children with disability, and ensure their participation in and completion of elementary education;

(i) monitor the implementation of the mid-day meal in the school;

(j) prepare an annual account of receipts and expenditure of the school.”

(Emphasis supplied)

15. In exercise of its power, under Section 38 of the Act, State of Himachal Pradesh has also notified (5.3.2011) its Rules, known as Right of Children to Free and Compulsory Education, Himachal Pradesh, Rules, 2011 (hereinafter referred to as the "H.P. Rules"). In terms of these Rules, "neighbourhood schools" stand defined for the purpose of their establishment within the State. Relevant provisions of the Rule is extracted as under:

"15. Salary and allowances and conditions of service of teachers for the purpose of section 23(3)-The salary and allowances payable to and the terms and conditions of service of teachers of schools specified in sub-clause(i) of clause (n) of section 2, shall be as may be specified by the State Government from time to time through its various Recruitment & Promotion Rules of the respective posts and other orders/instructions issued by the State Government.

Provided that the State Government may through a scheme notified by it, allow the School Management Committee to engage teachers on part-time or temporary basis and pay them at such rates as are specified in the instruction issued by the State Government."

(Emphasis supplied)

16. For the purpose of composition and functions to be discharged by the SMC(s), State of H.P., as per Rule-11, has accepted its guidelines so notified vide communication dated 6.3.2010.

17. At this juncture, it be noticed that prior to notification of the Act and the Rules (Central and State), in the Spirit of Article 21A, the Under Secretary (Education), Government of Himachal Pradesh, vide communication dated 6.3.2010 conveyed approval of the Government for

constitution of SMC(s), empowering them to perform the following functions:

"4. Power and responsibilities of School Management Committee School Management Committee with the help of its executive committee will have the authority to perform following functions:

4.1 Steps would be taken for enrolment, ensure retention and reduce dropout to achieve the Universalization of education. 4.2 To ensure quality education and to monitor learning level of students regularly. Student's evaluation will be monitored by the system of Continuous Comprehensive Evaluation and the progress cards should be discussed with parents and remedial steps to be taken accordingly.

4.3 To develop, implement and monitor School development plan.

4.4. To ensure proper utilization of grants received from government and any other agency.

4.5 To ensure timely availability of free text books, writing material, uniform, grants and scholars hips to the students.

4.6 To ensure the implementation, quality and monitoring of Mid Day Meal.

4.7 To provide clean drinking water and toilet facility and to ensure cleanliness of toilets and school premises.

4.8 To organize regular medical checkup for students in convergence with department of Health and also to maintain health cards.

4.9 To ensure the implementation of provisions of Right of Children to Free and Compulsory Elementary Education Act-2009.

4.10 Ensure regular attendance of students and teachers. School Management will be empowered to bring to the notice of CHT/BEEOs for necessary action, the instances of absence and irregularity in absorbing school timings by teachers. CHT/BEEOs will take necessary action on the request and inform the same to Deputy Director Education. If in the general house of any

recommendation is made in this context, then departmental officer will be bound to take time bound decision in the matter.

4.11 If in the general house of the SMC while praising the special contribution of any teacher in the development of the school or the students, in its last meeting of the academic session recommends that such teacher should not be transferred and the General house sends such resolution to the Dy. Director of education, then such teachers shall not be transferred from such school during the next one session. Similarly, if the General house of the SMC is not satisfied with the work of any teacher and that teacher has completed here/his normal tenure in the school, such teacher shall be transferred from that school. Such matters can be taken up for discussion only during the meeting convened after declaration of examination result and in no other meeting such decision can be taken.

4.12 The School Management Committee will carry out the annual appraisal of the work done by the part time and the contract workers and the renewal of the contract will be done on the recommendation of the School Management Committee. 4.13 In proper identification of CWSN and bring them within the fold of integrated education.

4.14 To provide support in the co-curricular programmes, Bal-Melas, science fairs and sports activities and increase the participation of the community.

4.15 To make various purchases for the school, subject to budget availability, for instance, the Teaching Learning Material, furniture, stationary and other items required for the school, lab instruments, library books, writing material for the students as per government schemes, various kits, school dresses, computer and related equipment etc.

4.16 To carry out the constructions work/repair work of the school building and other infrastructural facilities. The SMC will have the authority to carry out the construction/repairs itself or get it done as per the directions. For this purpose, the SMC may constitute a sub-committee or may enter into a contract with a competent institution or the Panchayat.

4.17 The utilization of the annual school grant and the maintenance grant shall also be done through the School Management Committee.

4.18 Ensure proper utilization of the library available in the school for increasing the habit of reading among the students.

4.19 If required, to select the part-time/contract teachers as per the Government Policy but the SMC will not have the authority to appoint any part time/contract worker without the approval of the authorised officer.

4.20 Submit the annual report of the SMC in the General House and to make available its one copy to the concerned Gram Panchayat and the Centre Head Teacher.

4.21 Resources of the School Management Committee.”

(Emphasis supplied)

18. Petitioners herein, stand appointed by the SMC(s), in terms of these guidelines. Undisputedly there are no other instructions, guidelines, notifications etc. issued either by the Centre or the State. It is not in dispute that their appointments are on contract basis and that too for a particular academic session. It being a different matter that fresh contracts are executed between them and the SMC(s) for each academic session. Petitioners are serving in the very same schools for the last one/two/three year(s).

19. With respect to tribal/difficult areas, State has now formulated a policy, notified on 17.7.2012, specifically empowering the SMC(s) to engage teachers and that too for certain categories but on period-wise basis. Even this policy mandates that the Deputy Director of Education, only after

“verifying the vacancies”, can “allow” the SMC(s) to appoint eligible teachers. Procedure prescribed for selection is transparent. Any violation thereof is to be dealt with strictly. Unambiguously, it stands clarified that appointment of such teachers has to be as per the “eligibility criteria” “laid down” “in the Recruitment and Promotion Rules”. Significantly, even these appointments are for a limited period and automatically terminable, ending with each academic session. Appointments can be made only with respect to post(s) of PGTs, TGTs, JBTs, Shastris, LTs. Crucially, State has restricted the amount of grant/aid payable as salary to such teachers by the SMC(s). Any excess amount towards salary is to be borne by the SMC(s).

20. Necessity for formulation of such policy arose only when it came to fore that large number of vacancies arose/fell vacant in these areas, as teachers were reluctant to be posted there. Also, retirement/transfers/promotions were additional contributing factors. Pertinently, State has a totally different Transfer Policy for establishment of schools and posting of teachers in these areas.

21. It is a settled principle of law that legislative and executive action is sustained only after it satisfies the twin test of reasonable classification and the rationale principle is co-related to the object sought to be achieved, onus to prove, lies on the State. Article 14 of Constitution of India forbids class legislation but permits reasonable classification for the purpose of legislation. The classification must be

founded on an intelligible differentia which distinguishes things/persons grouped together from those that are left out and that such differentia has a rational nexus to the object sought to be achieved. (See: *D.S. Nakara and others versus Union of India*, (1983)1 SCC 305).

22. Having said this, I must clarify that I have not examined the legality of the policy meant for tribal/difficult areas. The question, whether it is violative of Part-III of Constitution of India or not stands decided by my esteemed brothers in their separate opinions.

23. Coming to the core issue, I find that the underlying object, purpose and scope of the Act, Central/H.P. Rules and the guidelines is not to appoint teachers. In fact, it is to provide free and compulsory education to children and lay down duties and obligations of the facilitators, i.e. the appropriate Government/authority, the parents/guardians, teachers and the SMC(s). The Act only empowers the State to prescribe and lay down minimum standards for appointment of teachers, who are required to fulfill and achieve the objects of the Act.

24. It is not in dispute, nor can it be disputed that in terms of the guidelines or the Rules, the State has not issued any Policy or notified any scheme, empowering the SMC(s) to appoint any teachers. Also, there are no instructions specifying the rates at which the teachers are to be paid remuneration. (Section 21, H.P. Rule 15 and guidelines Clause 4.19). Guidelines communicated on

6.3.2010 specifically mandates that SMC(s) *“will not have the authority to appoint any part-time/contract worker”*, which could be done only with the “approval” of the “authorized officer”. The language is unambiguously clear. It is couched negatively. Unless there is any express authority, no appointment can be made. Now, in the instant case, there is nothing on record to even remotely suggest that any such approval was either sought for or accorded by the authorized officer. Who is this authorized officer is not defined, but can be construed to be a competent authority in the Government. Thus, from no angle, it can be said that the Government had ever authorized the SMC(s) to appoint any teacher(s) on part-time/contract basis. Contracts executed between the petitioners and the SMCs are without knowledge, consent or approval of the State Government. Perhaps it is for this reason that till now, even after three years, the State has not made any budgetary provision for paying salaries to such teachers.

25. Appointment to a post of teacher, to be posted in various schools, has to be under the respective Recruitment and Promotion Rules and not in terms of the Act. Undisputedly, petitioners’ appointments are not under, if not in accordance with, the Recruitment and Promotion Rules, framed by the State.

26. Thus, to my mind, it cannot be said that petitioners’ appointment is in terms of guidelines communicated on 6.3.2010 or with the approval of the

Government in terms of any scheme/instructions. The only un-resistible conclusion derived from the conjoint reading of Sections 21, 2(L) of the Act, "Central Rules" or Rules 15 and 11 of H.P. Rules, is that neither any scheme was framed/notified by the State nor any authority was conferred upon the SMC(s) to appoint teachers. As such no financial liability can be fastened upon the State.

27. According to the petitioners, since large number of posts (about 7000) were lying vacant in various schools, out of necessity, they were engaged to discharge public function and as such, in view of Section 70 of the Indian Contract Act, 1872, the State is duty bound to pay remuneration for the services so rendered by them. In support, learned counsel have referred to and relied upon the binding precedents of the apex Court in *Mulamchand versus State of Madhya Pradesh*, AIR 1968 SC 1218; and *State of West Bengal versus M/s B.K. Mondal and Sons*, AIR 1962 SC 779.

28. Imperatively, petitioners have to first establish the most essential ingredient of Section 70 of the Contract Act, i.e. they have "lawfully" done something. An act committed in violation of statutory provisions and executive instructions, cannot be said to be lawful, within the meaning of the Contract Act. Expression "lawfully" used in the said Section postulates cases in which a person holds a relation either directly to create or by implication reasonably to justify influence, that by some act done for another person,

the party is entitled for compensation from whom the work is done. Now, in the instant case, as already observed, there is nothing on record to establish that the Government had ever authorized anyone, muchless the petitioners, to perform any act or that petitioners were under a legal obligation to do so, on the promises/representations extended by the State or its functionaries. Hence, the decisions referred supra are inapplicable to given facts. SMC(s) as a statutory body, is competent to enter into contractual obligation. The remedy, in my considered view, assuming that the act of the petitioners is not gratuitous, would lie against the respective SMC(s) and not the State.

29. It is next urged that SMC(s) is an agent of the State. Acts of an agent bind the principal, and as such, State is duty bound to pay remuneration to the petitioners. The contention only merits rejection. SMC(s) is an independent body, created by a statute, under an obligation to perform functions and duties, so prescribed under the Act or Rules framed thereunder. SMC(s) cannot be said to be a person or body employed to do an act for another. It also does not represent another in dealing with a third party. In the absence of any scheme being notified or instructions issued (H.P. Rule 15) and the express bar contained in Clause 4.19 (Guidelines communicated on 6.3.2010), State cannot be fastened upon any liability so incurred or promises made by the SMC(s).

30. It is urged that since the State is obliged to fix remuneration and allowances payable to teachers as also prescribe terms and conditions of service under sub-section (3) of Section 23 of the Act, it is also duty bound to pay salaries to the petitioners. The contention merits rejection. Statutory provision has to be interpreted and applied correctly in the backdrop of object sought to be achieved. The enabling provision is to enhance and ensure the level of teachers to be appointed to overall increase the standards of education to be imparted to the children. The Act is child-centric. Appointment of teachers, unless otherwise authorized, are to be made under independent Recruitment and Promotion Rules, framed under Article 309 of Constitution of India. Both operate in different fields to achieve different/separate objects and purpose.

31. It is urged that in view of Article 162 of Constitution of India, guidelines notified vide communication dated 6.3.2010 is the law under Article 13(3). To say the least, contention is preposterous. It only merits rejection. Guidelines communicated on 6.3.2010, only pertain to the constitution of the SMC(s). At that point in time, there was no enactment. These guidelines, more so for the purposes of appointment of teachers, cannot partake the nature of law, particularly when, with effect from 1st of April, 2010 there was a specific legislation operating in the field. The Executive has a power to make regulations, issue instructions/guidelines, having the effect of law, so long as it

does not contravene any legislation, covering the field. (See: *State of Madhya Pradesh and another versus Kumari Nivedita Jain and others*, (1981) 4 SCC 296; and *State of Andhra Pradesh and another versus Lavu Narendranath and others etc.*, (1971) 1 SCC 607).

32. Can it be said that there is a deep and pervasive control of the State upon the SMC(s) and as such, teachers so appointed by it, are entitled to claim salary from the State. I am afraid not so. Even this contention only merits rejection. As already observed, SMC(s) is a creation of a statute entitled and authorized to discharge specific functions, exercise powers and perform duties under the Act and the Rules (Central/State). It is a body constituting public representatives, parents and teachers. Petitioners' rights and entitlements are governed in terms of their contractual obligations with the SMC(s), which has nothing to do with the State.

33. Still further, it is urged, that in the periodical reports submitted to the State authorities, SMC(s) have been clearly indicating engagement of the petitioners as teachers. Absence of any specific objection by Officer(s)/ officials of Department of Education, raises presumption of tacit approval, of the actions of the SMC(s). Though not specifically argued but in effect, plea of promissory estoppel and legitimate expectation is raised against the State. On first brush, submission appears to be attractive, but then learned counsel failed to base it on any principle of law. At

no point in time, State ever made any representation, intending to regularize the unauthorized acts of the SMC(s). Clause 4.19 (guidelines) is evidently clear. In the attending circumstances, silence alone cannot be construed as a consent. After all, SMC(s) can enter into contractual obligation, independently. Functionaries of the State may have accepted it as such. That apart, principle of promissory estoppel cannot be applied against the Government, if it is under an obligation and liability, imposed by law, to act differently, nor can the question of waiver of Rules apply in the instant case. (See: *M/s Motilal Padampat Sugar Mills Co. Ltd. versus State of Uttar Pradesh and others*, (1979) 2 SCC 409). Not only there is no pleading and proof in that regard, but I find that petitioners have failed to establish that there is an intentional act, with knowledge, on the part of the State or its functionaries, of any promise having been made out to the petitioners in any point in time. Neither was there any representation nor any foundation of plea of legitimate expectation by the petitioners.

34. Also, there cannot be any estoppel in law and more so against the statute. (See: *M/s Jit Ram Shiv Kumar and others versus State of Haryana and others*, (1981) 1 SCC 11).

35. Non-statutory rule, order or other instrument would operate as a promissory estoppel against the Government only if the instrument contains a

representation made by an official of the Government, within the scope of his authority, in a manner required by law. It is only then the same would bind the Government, otherwise any other representation would not preclude the Government, or come in its way from discharging its functions under law. It be only observed that in view of specific Rules, with regard to appointment, in the absence of any express authority, conflicting actions of the SMC(s) cannot in law bind the Government for the purpose of petitioners' claim of remuneration.

36. Hence, for all the aforesaid reasons, I am of the considered view that the State of H.P. cannot be held liable to make good payment of remuneration to the teachers so employed by the SMC(s).

37. Liability of the SMC(s) to pay the amounts to the petitioners is not disputed by the State. Hon'ble the Chief Justice has already elaborated on the extent of powers, which SMC(s) have for raising funds to pay remuneration to the teachers so employed by them. In fact, there is a direction to the State to consider formulating a policy to compensate the SMC(s) in non-tribal areas, by providing commensurate grant-in-aid in respect of contractual teachers. Here, I may also add that no doubt, Policy formation is the prerogative of the State, but then there has to be some justification for not extending similar concessions/benefits to teachers of non-tribal areas, which

stand extended to teachers appointed in tribal areas. State may also consider this aspect.

38. However, the matter does not end here. There is one significant fact, which has come to light during the course of hearing. Hence, keeping in view the principles of law laid down by the apex Court in *Society for Unaided Private Schools of Rajasthan versus Union of India and another*, (2012) 6 SCC 1, I am duty bound, more so, by virtue of Article 144 of Constitution of India to deal with the same.

39. In *Society for Unaided Private Schools (supra)*, relying upon *Ashoka Kumar Thakur v. Union of India* (2008) 6 SCC 1; *PA Inamdar and others versus State of Maharashtra and others*, (2005) 6 SCC 537; *Unni Krishnan, J.P. & Ors. v. State of Andhra Pradesh & Ors.*, (1993) 1 SCC 645; *Mohini Jain v. State of Karnataka & Ors.*, (1992) 3 SCC 666; and other decisions, it stands reiterated by the apex Court that Article 21A is child-centric and Right to Life (Article 21), includes access to education. All authorities must strictly enforce the law, in the present case a fundamental right, in the light of law laid down by the apex Court.

40. Teachers play an important and significant role in enhancing the intellectual skills and capacities of children of tender age. Teacher is an engine of the education system and an instrument in awakening children to cultural values. He plays a vital role in instilling values of quality,

social justice and democracy for creation of just and human society. A teacher must possess potential to deliver enlightened service to the society and must have quality to inspire, instill and motivate children through his actions. All this is only to build a better nation in future. (See: *Bhartiya Seva Samaj Trust through President and another Vs. Yogeshbhai Ambalal Patel and another*, (2012) 9 SCC 310).

41. Here, I deem it necessary to extract relevant provisions of the Act and the Rules:

Section 6. "Duty of appropriate Government and local authority to establish school.-For carrying out the provisions of this Act, the appropriate Government and the local authority shall establish, within such area of limits of neighbourhood, as may be prescribed, a school, where it is not so established, within a period of three years from the commencement of this Act."

(Emphasis supplied)

Section 8. "Duties of appropriate Government.-The appropriate Government shall-

- (a)
- (b) Ensure availability of a neighbourhood school as specified in section 6;
- (c)
- (d) provide infrastructure including school building, teaching staff and learning equipment;
- (e) to (f)
- (g) ensure good quality elementary education conforming to the standards and norms specified in the Schedule;
- (h) & (i)"

Section 25. "Pupil-Teacher Ratio.-(1) Within six months from the date of commencement of this Act, the appropriate Government and the local authority shall ensure that the Pupil-Teacher Ratio, as specified in the Schedule, is maintained in each school.

...73...

(2) For the purpose of maintaining the Pupil-Teacher Ratio under sub-section (1), no teacher posted in a school shall be made to serve in any other school or office or deployed for any non-educational purpose, other than those specified in section 27.” (Emphasis supplied)

Section 26. “Filling up vacancies of teachers.- The appointing authority, in relation to a school established, owned, controlled or substantially financed by funds provided directly or indirectly by the appropriate Government or by a local authority, shall ensure that vacancy of teacher in school under its control shall not exceed ten per cent of the total sanctioned strength.”

(Emphasis supplied)

42. Sub-rule (2) of Rule 22 of the Central Rules mandates that any person violating provisions of Section 25(2) shall be personally liable for disciplinary action. The same reads as under:

“22. Maintaining pupil-teacher ratio.-

1.

2. If any person of the Central Government, appropriate Government or the local authority violates the provisions of sub-section (2) of section 25, he or she shall be personally liable for disciplinary action.”

43. Rule 4 of the H.P. Rules prescribes territorial and geographical limits of neighbourhood schools. A primary school located within a walking distance of 1.5 kms is to be established for a minimum strength of 25 children in the age group of 6 to 11 years and upper-primary school is to be established within a walking distance of 3 kms for not less than 25 children in class 5th, of the feeding primary school.

44. During the course of hearing, this Court had directed the State to furnish particulars of total number of schools and the number of posts of regular teachers lying vacant in non-tribal areas. In response thereto, communication dated 15.10.2013, addressed to the learned Advocate General, State of Himachal Pradesh, is placed on record, relevant portion whereof, is extracted as under:

“In this regard it is submitted that the required information is as under:

1. The total number of schools functioning in Himachal Pradesh:-

(i)	Primary Schools	=	10739
(ii)	Middle Schools	=	2354
(iii)	High Schools	=	821
(iv)	Senior Secondary Schools	=	1359
Total		=	15273

2. The vacancies of regular teachers:

(i)	J.B.Ts.	=	1337
(ii)	T.G.Ts.	=	1122
(iii)	C& V(Shastri, L.T., D.M., P.E.T, Home Sc., Music Tr., Punjabi Tr. Yoga Tr., Urdu Tr.	=	4314
(iv)	Lecturers (English, Economics, Hindi, History, Political Sc. Commerce, Sanskrit, Maths, Chemistry, Biology, Geography)		863
(v)	DPEs.	=	72
Total		=	7708

45. Shockingly, there are 7708 regular posts of teachers lying vacant in various schools throughout the State. Learned Advocate General informs that all steps for filling-up such vacancies, in accordance with law, stand initiated. There is no reason to disbelieve such instructions

imparted to him. He also assures of expediting such process. However, till such time these posts are filled-up, the State has to make some interim arrangements. Whether 7708 posts are in excess of the prescribed limit or not is not clear, but no post in excess of limit prescribed under Section 26 of the Act can be left vacant. It is for the State to verify such facts.

46. Petitioners contend that they stand appointed, on contract basis, against some of these posts. In fact, it is urged that the total number of teachers appointed are more than 7000. Petitioners' claim to continue beyond their contractual tenure or till regularly appointed person(s) joins stands rejected unanimously by my learned brothers. With the petitioners' services being dispensed with, these posts shall fall vacant. It is here some innovation is required on the part of the Government. Some immediate remedial measures for ensuring that no post(s), in excess of the limits prescribed under Section 26 of the Act, in compliance of Section 27 are left vacant, till such time teachers are appointed on regular basis, in accordance with the relevant Recruitment and Promotion Rules. Interest of children cannot be allowed to be compromised. Children and their studies must not suffer. Perhaps Government may or may not consider extending the policy framed for the tribal/difficult areas to non-tribal areas. But then this is a policy decision, which the State is required to take at its own level. Definitely, students cannot be allowed to suffer

for inaction on the part of the State/its functionaries. Erring Officer(s)/officials are liable for action under the Act/Rules. The pupil-teacher ratio must be maintained in the schools under all circumstances. After ascertaining the factual position, State shall take all remedial measures.

Conclusion

1. Liability to pay remuneration to the teachers appointed by the School Management Committees, in non-tribal areas is not that of the State.
2. Government of Himachal Pradesh and its functionaries shall ensure strict compliance of the provisions of Right of Children to Free and Compulsory Education Act, 2009, more specifically Sections 25, 26, 27 and the relevant Rules framed thereunder. This has to be in the light of observations made herein above.

October 22, 2013_(sd/pk/priti)

(Sanjay Karol),
Judge.