

No. EDN-HE (12) B (6)-CWP No. 10575/2023
Directorate of Higher Education,
Himachal Pradesh

Dated Shimla-171001, the

2024
29 APR 2024

(ORDER)

(CWP No. 10575/2023 titled Ravi Kant & Ors Vs State of HP Others.)

Whereas, the petitioners were initially engaged as DPE as per the PTA (GIA) Rules 2006 during the year 2006 to 2008. Thereafter, the Government of H.P. took a conscious decision to take over the services of those PTA GIA teachers who had completed 7 years services as on 31.12.2014 and the break in service/absence period, if any, should not be more than 42 days.

Whereas, petitioners in CWP No. 10575/2023 titled as Ravi Kant & Ors. Vs State of HP, did not fulfill the conditions for taking over their services on contract basis as on 31.12.2014. Therefore these incumbents could not be taken over on contract basis with the petitioners in CWP No. 342/2021 titled as Yashwant Singh & Ors. V/s State of HP.

Whereas, the petitioners in CWP No. 342/2021 titled as Yashwant Singh & Ors. V/s State of HP completed 3 years services on contract basis as on 31.03.2018. But due to stay granted by Hon'ble Apex Court in SLP No.1426/2015 and connected matters which was against the action of the State to take over the services of Yashwant Singh & others who were taken over on contract basis in January, 2015, could not be regularized as per Govt. instruction dated 11.05.2018. On the other side petitioners in CWP No. 10575/2023 who did not fulfill the conditions for taken over there services on contract basis as on 31.12.2014 were remained on PTA GIA basis due to stay from Apex Court on above said SLP and they could not be taken over on contract basis. However above said SLPs finally dismissed by the Hon'ble Apex Court on dated 17.04.2020.

Whereas, after dismissed of SLPs/Civil Appeals, the Govt. conveyed the approval to regularized the services of PTA GIA provided teachers taken over on contract basis as well as the left out PTA GIA teachers (petitioners in CWP No. 10575/2023) whose services could not be taken over on contract basis due to the reasons as discussed

above, with immediate effect vide approval/letter No.EDN-A-Kha(7)06/2012-Loose-I dated 05.08.2020. After the Govt. approval and observing all the codal formalities, services of all these DPEs were regularized on 21.08.2020.

Whereas, the PTA provided DPEs whose service were taken over on contract basis in January 2015, filed CWP No. 342/2021 titled as Yashwant Singh & Ors. V/s State of HP with the prayer that their services be regularized w.e.f. 01.04.2018 as they had completed 3 years services on contract basis as on 31.03.2018 and they all are eligible for regularization their services after putting three years on contract basis. Accordingly Hon'ble Court allowed the same as per order dated 31.08.2022 and with the prior approval of Govt. dated 02.09.2023 & 04.12.2023 the services of those all PTA provided DPEs on contract basis as on 31.03.2018, have been regularized w.e.f. 01.04.2018.

And whereas, the petitioners in present petition CWP No.10575/2023 filed this petition with the prayer that they are similar to the case of Yashwant Singh supra and they are also entitled for regularization their services w.e.f. 01.04.2018. Since these petitioners were never taken over on contract as they were not fulfill the condition for the same as on 31.12.2014 and they did not completed 3 years contract services as on 31.03.2018 as in the case of Yashwant Singh. Therefore, these Petitioners' cannot be considered at par with Yashwant Singh for regularization w.e.f. 01.04.2018. However, if they would have been taken on contract basis as and when they fulfill the condition for the same in that case even their eligibility for regularization would have been be after 01.04.2018, as and when they would have completed 3 years services on contract basis. Accordingly the case of petitioners is not similar to the case of Yashwant Singh.

Now therefore, in the fact and circumstances as discussed above the representations in r/o following petitioner DPEs have been considered and rejected on the ground that these Petitioners/DPEs have not completed 3 years contract services as on 31.03.2018, and the services of these Petitioners cannot be regularized at par with Yashwant Singh & Ors. V/s State of HP in CWP No. 342/2021:-

Sr. No.	Name of the PTA Provided DPE (Sh./Smt.)	Desig	Present Place of posting GSSS	Distt.	Date of Birth	Date of initial engagement	Category (Gen/SC/ST/ OBC)	CWP No.
1.	Vidya Prakash	DPE	Paplog	Mandi	30.11.1976	11.12.2006	Gen	10575/2023
2.	Santosh Kumar	DPE	Rissa	Mandi	02.12.1976	30.08.2006	Gen	10575/2023
3.	Narain Singh	DPE	Sunni	Shimla	12.01.1972	12.09.2007	Gen	10575/2023

4.	Harish Kumar	DPE	Chanawag	Shimla	11.11.1979	17.01.2006	Gen	10575/2023
5.	Jiwan Lal	DPE	Deori	Mandi	28.02.1984	18.09.2006	Gen	10575/2023
6.	Anil Kumar	DPE	Pauria	Shimla	12.12.1978	09.11.2006	Gen	10575/2023
7.	Ajay Kumar Tyagi	DPE	Saryanj	Solan	08.12.1981	11.09.2007	SC	10575/2023
8.	Balbir Singh	DPE	Kolni Dhalwan	Mandi	30.06.1980	25.09.2007	Gen	10575/2023
9.	Rajeev Kumar	DPE	Saliana	Kangra	27.12.1978	28.09.2006	Gen	10575/2023
10.	Anil Kumar	DPE	Utrala	Kangra	04.11.1976	24.09.2007	Gen	10575/2023
11.	Asha Devi	DPE	Brang	Mandi	02.02.1982	10.09.2007	Gen	10575/2023
12.	Lekh Raj	DPE	Baryara	Mandi	25.09.1983	10.09.2007	Gen	10575/2023
13.	Pankaj Patial	DPE	Samoh	Bilaspur	05.06.1983	21.09.2007	Gen	10575/2023
14.	Jagdish Singh	DPE	Narain	Shimla	23.03.1972	03.07.2006	Gen	10575/2023
15.	Devinder Kumar	DPE	Keolidhar	Mandi	26.12.1982	22.09.2007	Gen	10575/2023
16.	Yashpaul Singh	DPE	Palkwah	Una	23.02.1974	05.07.2007	OBC	10575/2023
17.	Narender Singh Raghwa	DPE	Manjhkethar	Mandi	19.10.1979	10.09.2007	Gen	10575/2023
18.	Deepak Kumar	DPE	Goela	Solan	10.01.1981	07.09.2006	Gen	10575/2023
19.	Susheel Kumar Sharma	DPE	Paisa	Kangra	02.04.1980	10.10.2006	Gen	10575/2023
20.	Parvati Devi	DPE	Dhar	Mandi	01.06.1982	20.09.2007	Gen	10575/2023
21.	Suneel Kumar	DPE	Kashmaila	Mandi	28.11.1977	28.08.2007	Gen	10575/2023
22.	Dujesh Kumar	DPE	Killing	Mandi	24.01.1977	01.05.2007	Gen	10575/2023
23.	Sanjay Kumar	DPE	Kandbari	Kangra	11.12.1980	21.09.2007	ST	10575/2023
24.	Sanjeev Kumar	DPE	Lanoud at Kandra	Kangra	31.05.1976	20.06.2007	Gen	10575/2023
25.	Prem Singh	DPE	Randhara	Mandi	23.04.1976	30.04.2007	Gen	10575/2023
26.	Khem Chand	DPE	Bir Tungal	Mandi	28.04.1981	21.09.2007	Gen	10575/2023
27.	Ramesh Kumar	DPE	Sunara	Chamba	10.04.1977	10.06.2006	ST	10575/2023
28.	Anuj Kumar	DPE	Chamian	Solan	01.10.1980	23.09.2006	Gen	10575/2023
29.	Balak Ram	DPE	Jaral	Mandi	10.04.1978	28.11.2006	Gen	10575/2023
30.	Ranjeev Singh	DPE	Ligga	Chamba	02.05.1978	08.11.2006	Gen	10575/2023
31.	Yashpaul Singh	DPE	Ghat	Mandi	12.07.1974	06.10.2007	Gen	10575/2023
32.	Harish Kumar	DPE	Thill	Kangra	13.12.1981	27.10.2006	Gen	10575/2023
33.	Manjeet Kumar	DPE	Samra	Chamba	17.06.1979	07.01.2005	Gen	10575/2023
34.	Sanjeev Kumar	DPE	Sanhoon	Kangra	31.05.1976	20.06.2007	Gen	10575/2023
35.	Mohinder Singh	DPE	Poolan	Chamba	10.04.1979	13.09.2007	ST	10575/2023
36.	Naresh Kumar	DPE	Sidhpur	Mandi	14.12.1978	10.05.2007	Gen	10575/2023
37.	Chandan Thakur	DPE	Dol-Ka-Jubbar	Solan	11.08.1982	15.12.2006	Gen	10575/2023
38.	Devi Singh	DPE	Kashapat	Kullu	15.12.1975	05.09.2007	Gen	10575/2023
39.	Vijay Kumar	DPE	Rakhota	Mandi	22.07.1978	11.09.2006	Gen	10575/2023
40.	Sanjeev Kumar	DPE	Halau,	Shimla	15.02.1981	23.07.2007	Gen	10575/2023
41.	Anil Kumar	DPE	Pauria	Shimla	12.12.1978	09.11.2006	Gen	10575/2023
42.	Asha Devi	DPE	Khaddar	Shimla	05.05.1979	16.08.2007	Gen	10575/2023
43.	Balbir Singh	DPE	Kungrat	Una	24.04.1975	12.07.2007	Gen	10575/2023
44.	Abhishek Thakur	DPE	Dadahu	Sirmour	15.11.1979	21.09.2007	Gen	10575/2023
45.	Neena Kumari	DPE	Jassur	Kangra	20.10.1981	12.12.2006	OBC	10575/2023
46.	Sunil Kumar	DPE	Khad	Una	04.04.1978	21.09.2007	OBC	10575/2023
47.	Lal Singh	DPE	Mailan	Shimla	11.07.1974	19.10.2006	Gen	10575/2023
48.	Harish Kumar	DPE	Kuthari Ghasni	Shimla	24.02.1979	10.08.2007	Gen	10575/2023
49.	Om Chand	DPE	Tikker	Mandi	18.02.1979	21.09.2007	SC	10575/2023
50.	Virender Singh	DPE	Kauna	Kangra	15.03.1981	08.10.2007	OBC	10575/2023
51.	Yuv Raj	DPE	Pokhi	Mandi	05.06.1974	26.10.2006	Gen	10575/2023
52.	Nirmal Kumar	DPE	Nangal Khurd	Una	19.10.1973	26.08.2006	SC	10575/2023
53.	Gulab Singh	DPE	Kothi Gehri	Mandi	29.10.1979	14.09.2006	Gen	10575/2023
54.	Devinder Kumar	DPE	(B) Nadaun	Hamirpur	03.11.1975	10.04.2007	SC	10575/2023

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55.	Kunal Sharma	DPE	Sujanpur Tihra	Hamirpur	14.08.1978	29.06.2006	Gen	10575/2023
56.	Deepak Kumar	DPE	Goela	Solan	11.01.1981	07.09.2006	Gen	10575/2023
57.	Luhender Kumar	DPE	Shodhadhar	Mandi	06.11.1976	09.08.2007	Gen	10575/2023
58.	Chandervir	DPE	Saigaloo	Mandi	31.08.1969	22.05.2007	Gen	10575/2023
59.	Hemant Gupta	DPE	Surajpur	Solan	20.04.1983	26.04.2007	Gen	10575/2023

May in form the parties accordingly.

(Dr. Amarjeet K. Sharma)
Director Higher Education
Himachal Pradesh

2024

Endst. No. Even dated Shimla-1, the

Copy forwarded for information and necessary action to: -

- 1 The Secretary (Education) to the Govt. of Himachal Pradesh w.r.t. his office letter No. EDUA-E005/4/2023-EDU-A dated 02.09.2023 and letter No. EDUA-E005/4/2023-EDU-A dated 04-12-2023.
- 2 The District Attorney Directorate of Higher Education HP, Shimla-1 w.r.t. U.O. No. EDN-HE(18)-896/2023 dated 09-02-2024.
- 3 All the DTO concerned.
- 4 All the Dy Directors of Higher Education concerned in HP.
- 5 DDOs/Principals in GSSSs/DIETs concerned.
- 6 The petitioners concerned.
- 7 ✓ Supdt. IT Cell (Internal) to upload this Office Order on the Departmental website for information of all the concerned.
- 8 Guard file.

Director Higher Education
Himachal Pradesh

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