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No. EDN-HE(1)E(3)-2025-Court Cases
Directorate of Higher Education
Himachal Pradesh

Dated Shimla-171001 the, December, 2025

OFFICE ORDER

Whereas, the petitioners were initially appointed as Part-Time water Carrier and their services were converted into whole-time basis and subsequently they were regularized as Class-IV peon on regular basis and promoted as Clerk on 10.07.2019 strictly in accordance with Common Recruitment and Promotion Rules of Clerk, Class-III (Non-Gazatted). The promotion of the candidates was done as per rules. They were promoted as per R&P Rules dated 15.05.2014 applicable to them. Feeling aggrieved by the offer of promotion, petitioners filed **CWP No. 9708 of 2024 titled as Anup Kumar & Ors Vs State of HP & other** for immediate promotion on completion of five years of regular service as Class-IV on regular basis.

Whereas, as per the provision in Common Recruitment & Promotion Rules for the posts of Clerks Class-III (Non- Gazatted) Ministerial Services para-11 (ii) provided that 10% by promotion from amongst the Class-IV officials who have passed 10+2 examination or its equivalent from a recognized Board of School Education/University and possess five years regular service rendered, if any, in the grade.

Whereas, as per method of recruitment, whether by direct recruitment or by promotion, deputation, transfer and the percentage of posts to be filled in by various methods: (i) 70% by direct recruitment (ii) 20% by Limited Direct Recruitment from amongst the 'regular' Class-IV officials possessing the 10+2 qualification through competitive examination to be conducted by the HP Subordinate Services Selection Board having five years regular service or regular combined with continuous service rendered on daily wages or on contract basis failing which by direct recruitment on a regular basis (iii) 10% by promotion failing which by direct recruitment on a regular basis or by recruitment on contract basis.

Whereas, the petitioners completed their five years of regular services on 2013, 2014, 2015 & 2016 and were eligible for promotion. The DPC to fill up of 18 posts of Clerk by way of the promotion was held on 16.03.2012 and 15 "Plus Two" pass Class-IV employees were promoted. During the year 2014 (26 vacancies) were existing in the Department and DPC was held on 18.09.2014 and on recommendation of the committee 25 "Plus Two" pass Class-IV employees were promoted by virtue of seniority and as per roster.

Whereas, no vacancy was existing under 10% promotion quota during the year 2015 in the Department and 107 vacancies were available during the year 2016. Subsequently, DPC to fill up the 107 vacancies under 10% promotion quota was held on 11.05.2016 and the Department filled up 107 posts under 10% promotional quota as per the roster and by virtue of the seniority upto Seniority No. 116 against vacancies vide office order No. EDN-H(1)B(2)-01/2008-Prom. Vol-III dated 18.05.2016 & dated 19.09.16 due to which all the posts of Clerk under 10 % promotional quota got filled.

And whereas, approximately 100 Class-IV (10+2 pass) employees, who had completed 5 years of regular service during the year 2017 but no vacancy was existing that time. Further, DPC to fill up 05 posts of clerk by way of promotion (left out cases) was held on 22.02.18 and 02 "Plus Two" Pass Class-IV employees were promoted as Clerk and 03 posts of Clerk under General Category remained vacant due to non-availability/finalization of seniority. Out of 03 vacant posts of Clerk, 01 post was filled up on 24.12.2018. Thereafter, 25 vacancies were available during the year 2019 and as per the availability of the posts all the petitioners were promoted to the post of Clerk on 10.07.2019 by virtue of seniority and R&P Rules.

And whereas, petitioners completed their five years of regular services as on 2013, 2014, 2015 & 2016 and were eligible for promotion, but all the posts of Clerks under 10 % promotional quotas were filled as per roster and by virtue of seniority.

IT call

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Now therefore, in view of facts and circumstances discussed above and going through the representations of petitioners, it is pertinent to mention that nothing was concealed from petitioners as all posts were filled when the petitioners just got eligible for the promotion i.e. completed their five years regular service as per roster/seniority. Therefore, the petitioners are not entitled for immediate promotion after completion of five years regular service. Hence, the claims of the petitioners are considered and rejected.


(Dr. Amarjeet K Sharma)
Director Higher Education
Himachal Pradesh, Shimla-1

Regd.

1. Anup Kumar S/o Sh. Bahadur Singh
Village Anhech, PO Dagshai, Tehsil and District Solan (HP)
2. Jagdish Chand S/o Late Sh. Deep Ram
Village- Silhari, PO & Tehsil Kandaghat,
Distt.- Solan (HP)
3. Gian Singh S/o Late Sh. Narsia, Village-Kachrang,
Post Office- Nathpa Tehsil- Nichar, Distt.-Solan (HP)
4. Mangla Nand S/o Sh. Tara Chand, Village- Samej,
P.O.- Sugha, Tehsil-Nirmand Distt.- Kullu (HP)
5. Rai Singh S/o Sh. Narata Ram, Village- Salani,
P.O.- Sainwalaa, Tehsil-Nahan Distt.- Sirmour (HP)
6. Dev Raj S/o Sh. Prabhu Ram, VPO Kathal (Jaghd),
Tehsil-Ramshehar Distt.- Solan (HP)
7. Sanjeev Kumar S/o Sh. Rattan Chand, VPO Badehar,
Tehsil-Bhoranj Distt.- Hamirpur (HP)
8. Kamal Chand S/o Late Sh. Bhagat Ram Village- Sai,
P.O.- Lunas, Tehsil-Nirmand Distt.- Kullu (HP)
9. Ram Gopal S/o Sh. Sohan Singh, Village- Nabhon,
P.O.- Pratha, Tehsil-Kasauli Distt.- Solan (HP)
10. Lal Singh S/o Late Smt. Radha VPO Sangalwara,
Tehsil-Thunag, Distt.Mandi (HP)

शिक्षा निदेशालय उच्चतर हि०प्र०
09 DEC 2025
शिमला-1

Endst. No. Even Dated: Shimla-171001 the, December, 2025

Copy forwarded for information and necessary action to:-

1. The Secretary, (Education) to the Govt. of H.P.
2. The District Attorney, Directorate of Higher Education H.P.
3. The concerned Deputy Director of Higher/Elementary Education of H.P.
4. Principal of concerned Colleges/Schools of HP
5. The Nodal Officer, IT Cell, DHE (Internal) to upload the same on Departmental website.
6. Guard File.


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