

No.EDN-H(8)B(2)-1/2017-PTA(GIA)
Directorate of Higher Education,
Himachal Pradesh



Dated Shimla-171001 the

ORDER

Whereas, the petitioners were initially engaged as Assistant Professor (College Cadre) in different subjects as per the PTA (GIA) Policy 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 teacher 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.

And 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.

And 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.

And 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 Assistant Professors were regularized on 04.09.2020.

And whereas, the PTA provided lecturers 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 17.10.2023 & 23.01.2024 the services of those all PTA provided Assistant Professors on contract basis as on 31.03.2018, were 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 situated 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 fulfilling the condition for the same as on 31.12.2014 and they did not complete 3 years contract services as on 31.03.2018 as in the case of Yashwant Singh. Therefore they 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 situation their eligibility for regularization would have been 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 petitioners/ Assistant Professors(College Cadre) have been considered and rejected on the ground that they have not completed 3 years contract services as on 31.03.2018, and their services can not 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 Assistant Professor	Subject	Present place of posting	Name of Distt.	Date of Birth	Date of initial engagement	Category (Gen./S C/ST/O BC)	CWP No.
1	Suman Kumar	History	GC Dharampur	Mandi	07.04.81	09.10.07	GEN	CWP No. 10575/23
2	Shivani Abrol	Geography	GC Chamba	Chamba	16.09.80	24.08.07 Re-engaged 26.8.13	GEN	CWP No. 10575/23
3	Pitamber Singh	Zoology	GC Dhaliara	Kangra	23.09.79	31.10.06 Re-engaged 30.11.13	SC	CWP No. 10575/23
4	Sunita Kumari	Pol.Science	GC Bhoranj	Hamirpur	11.11.78	01.09.07	SC	CWP No. 10575/23
5	Sanjeev Kumar	Commerce	GC Barsar	Hamirpur	15.01.76	06.10.06	GEN	CWP No. 10575/23
6	Surender Kumar	Geography	GC Dhaliara	Kangra	15.03.81	11.09.07	SC	CWP No. 10575/23
7	Suresh Kumar	History	GC Drang at Narla	Mandi	11.01.73	09.09.06	GEN	CWP No. 10575/23
8	Amrit Lal	Music(I)	GC Nadaun	Hamirpur	01.01.77	26.10.06	GEN	CWP No. 10575/23

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9	Archana Sharma	Hindi	GC Jhandutta	Bilaspur	24.10.73	23.10.06	GEN	CWP No. 10575/23
10	Nisha Devi	Hindi	RKMV Shimla	Shimla	13.11.73	20.09.07 Re-engaged 17.07.14	GEN	CWP No. 10575/23
11	Yojna Thakur	Zoology	GC Rampur Bushahr	Shimla	27.10.80	19.07.05	GEN	CWP No. 10575/23
12	Divya Sharma	English	GC Kotshera	Shimla	03.02.79	17.10.07 Re-engaged in 17.12.16	GEN	CWP No. 619/2024

May inform the parties accordingly.

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

Endst. No. Even dated: Shimla-1, the March, 2024

Copy forwarded for information and necessary action to: -

1. The Secretary (Education) to the Govt. of Himachal Pradesh w.r.t. his office No.EDU-A-EOO5/4/2023 dated 23.01.2024.

1 The District Attorney, (Internal) Directorate of Higher Education HP, Shimla-1

2 All the DTO concerned.

3 All the Principals in Govt. Colleges mentioned above.

4 All the petitioners concerned.

5 TO, IT Cell (Int) with the request to upload this order on the departmental website.

6 Guard file.

Director Higher Education
Himachal Pradesh