



IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No.10263 of 2024

Decided on : 14th July, 2026.

Babita Jamwal

...Petitioner.

Versus

State of H.P. & Ors.

....Respondents.

Coram:

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹

For the Petitioner:

Mr. Sandeep K. Pandey, Advocate.

For the respondents:

Mr. Pushpender Jaswal, Additional
Advocate General.

Ajay Mohan Goel, Judge (Oral).

By way of this writ petition, the petitioner has inter alia
prayed for the following reliefs:-

"i) That a writ in the nature of mandamus may kindly be issued, directing the respondents to extend the benefit of Grant-in-Aid in favour of the present petitioner w.e.f. due date at par with the similarly situated persons under the grant-in-aid policy with all service benefits along with interest @9% per annum.

ii) That a writ in the nature of mandamus may kindly be issued, directing the respondents to strictly adhere to the rules of the PTA Policy and not to replace the petitioner either by way of fresh regular/contract appointment or transfer."

3. The case of the petitioner is that she was appointed as a
Drawing Master on PTA basis by the School Management Committee
of Government Senior Secondary School, Golwan, Tehsil Lad Bharol,

¹ Whether reporters of the local papers may be allowed to see the judgment?

District Mandi, on 01.6.2011. According to the petitioner, she continues to serve as such till date, yet Grant-in-Aid is not being released to her in terms of the PTA GIA Rules of 2006.

4. Learned Counsel for the petitioner submitted that since her initial appointment in the year 2011, the petitioner is performing the duties of a Drawing Master. She is imparting education to the students who are enrolled in 6th Class to 10th Class. She is performing all the duties which a regular Drawing Master performs, yet, she is being discriminated against and the Grant-in-Aid to which she is entitled to is not being released to her.

5. Learned Additional Advocate General, by referring to the reply filed by respondents 1 to 4, argued that the petitioner is not entitled for any relief as her engagement in the year 2011 was not pursuant to any validly constituted School Management Committee or selection process. Learned Additional Advocate General submitted that when the petitioner was engaged, there was no policy framed for the engagement of the teachers by the Government, nor there was any statutory rule or policy based

mechanism existing at that time that could have validated the appointment. Learned Additional Advocate General submitted that a purely temporary or stop-gap arrangement was made to ensure that the academic activities of the students were not hampered which does not confer any right upon the petitioner to claim the Grant-in-Aid.

6. Learned Additional Advocate General also submitted that the Grant-in-Aid under the Parents Teachers Associations Rules of 2006 was closed for new engagements with effect from 3.1.2008 and, therefore, no benefit of the PTA framework could have been extended in the year 2011 when the petitioner was engaged. Her engagement was without following any process or procedure and, as the engagement by the School Management Committee was without the consent of the Department and as the petitioner otherwise was also not eligible to having been appointed as a Drawing Master on account of her qualifications, she is not entitled for any relief.

7. I have heard learned Counsel for the petitioner as also learned Additional Advocate General and have also gone through the record carefully.

8. It is not in dispute that since her appointment in the year 2011, the petitioner is imparting education till date, to the students of the school as a Drawing Master. The appointment of the petitioner as a Drawing Master by the School Management Committee is not in any private school. It is in a government school. This means that it cannot be the case of the Department that they were not aware about the appointment of the present petitioner by the School Management Committee, which, as per the Department, was not in consonance with any policy or statutory mechanism. If that was so, it is not understood as to why the State has till date allowed the petitioner to continue to serve as such. It is not the case of the State that there was some other regular Drawing Master appointed in the school since the year 2011 and, therefore, the appointment of the petitioner was not against any sanctioned post of a Drawing Master.

9. The above clearly demonstrates that for the last about 15 years, the Department is enjoying the services of the petitioner as far as imparting education to students against the post of Drawing Master is concerned, without paying her the actual wages which have to be paid to a regularly appointed teacher.

10. The contentions of the learned Additional Advocate General that the petitioner was not engaged by following the selection process, or that she was not eligible at the time when she was engaged as a drawing teacher, at least for the purpose of the adjudication of this petition, have no relevance. Nothing prevented the Department from initiating steps for the termination of the services of the petitioner, but fact of the matter is that for the last more than a decade, nothing has been done by the State in this regard.

11. It is not the case of the Department that the quality of education being rendered by the petitioner is inferior to that which otherwise a regularly appointed Drawing Master imparts to the children. In other words, it is not the case of the Department that

the students, who are being imparted education by the petitioner have to secure more marks to pass the exam, as compared to students being taught by a teacher, who is regularly appointed.

12. All the above mentioned facts, demonstrate that the Department, in fact, is resorting to, "Begaar", which otherwise is prohibited by the Constitution of India. Taking advantage of the unemployment amongst the educated youth, they are being exploited, not only by others, but even by the Government and present one is also a perfect example of the same. Persons, like the petitioner, are forced to serve in Government Institutions that too out of compulsion on the basis of appointments which are being offered by PTA or SMC, because for the reasons best known to it, the Government is shirking from discharging its statutory obligations of filling up these posts regularly in terms of the Recruitment and Promotion Rules framed under Article 309 of the Constitution of India.

13. Be that as it may, though this Court is not legitimizing the appointment of the petitioner against the post of Drawing

Master by the SMC, but least that the State can do is that till the time the petitioner continues to serve as such, she has to be paid the Grant-in-Aid and the same cannot be denied to her.

14. Accordingly, in light of above discussions, this petition is allowed to the extent that the act of the Department of not releasing the Grant-in-Aid to the petitioner from the date of her appointment is held to be bad in law. Respondent department is directed to pay to the petitioner emoluments as per Grant-in-Aid Rules from the date of her engagement till she serves in the school. Respondents are directed to release the difference of the amount which is payable to the petitioner by releasing to her the Grant-in-Aid to which she is entitled to, after deducting the amount which she has received from the SMC. With the above observations, the present petition stands disposed of. Pending applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

14th July, 2026.
(jai)