2026:HHC:49215

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

C.W.P No.11397 of 2025
Date of Decision: 03.11.2026

Ranjit Singh Thakur **...Petitioner**

Versus

Hon'ble High Court of H.P & others **....Respondents**

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge
Hon'ble Mr. Justice Yogesh Jaswal, Judge

Whether approved for reporting? Yes

For the petitioner: Mr.Vishal Sharma, Advocate (through V.C) and Mr. Karan Sharma, Advocate, for the petitioner.

For the respondents: Mr. Shriyek Sharda, Advocate, for respondent No.1

Mr. P.S. Goverdhan, Senior Advocate, with Mr. Rakesh Thakur, Advocate, for respondents No.2 to 5.

Ajay Mohan Goel, J.*(Oral)*

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

> "(i)For quashing the order dated 18.10.2024 by District & Sessions Judge Solan (Annexure P-1) and also quashing the order

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dated 08.05.2025 (Annexure P-3) passed as non-speaking non reasoned order considering the representation dated 15.01.2025 (Annexure P-2) in the interest of justice and to stop back door entry mechanism done to give benefit to certain class of people against the settle Himachal Pradesh District Judiciary Staff Recruitment, Promotion, control, conduct, discipline and other condition of service Rules, 2022 amendment done on 16.10.2024 (Annexure P-4) in the interest of justice by using inherent powers of this Hon'ble Court which are there to prevent sheer abuse of process of law and secure ends of justice to all without any discrimination conferred to them under 226.

(ii) And till the pendency of the present writ as a interim relief the implementation of office order dated 18.12.2024 (Annexure P-1) to the extent of promotion on the post of chief administrative officer should be kept vacant by imposing stay on the said office order in the interest of justice fairness and equity otherwise there will be irreparable loss to the petitioner."

2. According to the petitioner, there is a post of Chief Administrative Officer. As per him, in terms of Annexure P-4,

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appended with the petition i.e. Notification dated 16.10.2024, the Himachal Pradesh District Judiciary Staff (Recruitment, Promotion, Control, Conduct, Discipline and other conditions of service), Rules 2022 (herein after referred to as the "2022 Rules") stood amended *inter alia* to the effect that the post of Senior Shrestedhar in the Court of District Judge Forest, CBI Courts, Family Courts and Additional District Judges Court, wherever post is sanctioned, is to be filled by placement from amongst the senior most Senior Sheristedars working in the Division and the post of Senior Sheristedar in the Court of Senior Civil Judge is to be filled by promotion from amongst the Sheristedars of the Courts of Civil Judges and Reader Grade-II working in Division, having minimum educational qualification of 10+2 and qualifying service of 2 years in the feeder category, in terms of option. Further, according to the petitioner, in terms of the said amendment, the post of Chief Administrative Officer was to be filled by way of promotion, by selection from amongst first six eligible officers in the cadre of Senior Shirastedars and Reader Grade-I working in the concerned Civil and Sessions Division.

3. According to the petitioner in terms of Annexure P-1, i.e office order dated 18.12.2024, the private respondent-

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Devi Singh was placed as Senior Sheristedar, which office order was liable to be quashed and set aside, on the ground that as on the date when said office order was issued, said respondent was ineligible to be considered for promotion against the post of Senior Sheristedar, as he was not possessing the minimum educational qualification of 10+2. On this premise, other reliefs have also been prayed for by the petitioner, including the relief that the post of Chief Administrative Officer be kept vacant during the pendency of the present petition.

4. This writ petition was filed on 15.07.2025 and before filing of the same, the private respondent infact stood promoted against the post of Chief Administrative Officer vide Notification dated 08.05.2025, Annexure R-2/5, appended with the reply filed by the private respondents. In other words, before the petitioner had filed the present writ petition, Notification dated 08.05.2025 stood issued, which has not been assailed by the petitioner incidentally till date.

5. Learned counsel of the petitioner submitted that as Shri Devi Singh was not possessing the qualification of 10+2, which was the minimum educational qualification as per Annexure P-4 for promotion to the post of Senior

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Sheristedar from amongst Sheristedars, therefore, his promotion to the post of Chief Administrative Officer (which though is not under challenge) was bad in law, because as per him, same was contrary to Annexure P-4, in terms whereof, the post of Chief Administrative Officer was to be filled by way of promotion by selection from amongst first six eligible officials in the cadre of Senior Sheristedars and Reader Grade-II working in the concerned Civil and Sessions Division. As per the learned counsel as respondent Devi Singh was not eligible for promotion to the post of Senior Sheristedar, this rendered his promotion to the post of Senior Sheristedar and also to the post of Chief Administrative Officer bad in law. This was the only argument, addressed before us by the learned counsel for the petitioner.

6. On the other hand, learned counsel appearing for respondent No.1 and learned Senior Counsel appearing for the private respondents drew the attention of the Court to the documents appended with the petition and have apprised the Court that respondent Devi Singh was promoted against the post of Senior Sheristedar vide office order dated 03.11.2017 Annexure R-2/1 and not vide office order dated 18.12.2024. They further apprised the Court that as on the date when the

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said promotion order was issued, the relevant Recruitment and Promotion Rules, which were in vogue, relating to the post of Senior Sheristedar, which stand appended with the reply filed by the private respondents as Annexure RA, provided that the eligibility criteria for promotion against the post of Senior Sheristedar was minimum qualification of Matric and qualifying service of two years in the feeder cadre. They submitted that as respondent Devi-Singh was fulfilling the eligibility criteria for promotion, as it was existing as on the date, when he was promoted against the post of Senior Sheristedar, the present writ petition is completely misconceived.

7. Learned Senior Counsel for the private respondents further argued that as respondent-Devi Singh stood promoted against the post of Chief Administrative Officer even before the filing of the writ petition and as till date, there is no challenge to the said appointment, this petition is liable to be dismissed on this ground.

8. In rebuttal, learned counsel for the petitioner submitted that dehors the fact whether Devi Singh stood promoted against the post of Senior Sheristedar vide office order dated 03.11.2017 and what was the requirement of

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Recruitment and Promotion Rules at the relevant time, because subsequently, this Rule was amended in terms of Annexure P-4 and as Devi Singh was not fulfilling the eligibility criteria for promotion to the post of Senior Sheristedar as per Annexure P-4, his promotion to the post of Senior Sheristedar was liable to be set aside and so also his promotion to the post of Chief Administrative Officer and he was liable to be demoted to the post of Sheristedar.

9. We have heard learned counsel for the parties and have also gone through the pleadings as well as documents appended with the petition.

10. It is a matter of record that respondent Devi Singh was promoted against the post of Senior Sheristedar vide office order dated 03.11.2017 (Annexure R-2/A). A perusal of this office order demonstrates that he was promoted as such by the order passed by the learned District & Sessions Judge, Solan, H.P. It is not in dispute that when respondent-Devi Singh was promoted as Senior Shirastedar on 03.11.2017, he was fulfilling the eligibility criteria, as was existing on the said date for promotion to the post of Senior Shirastedar.

11. In light of the fact that as the private respondent stood promoted to the post of Senior Sheristedar as on

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03.11.2017 and said promotion order is not under challenge, the contention of the learned counsel for the petitioner that the said promotion of the private respondent has to be set aside on account of the Notification issued on 16.10.2024, deserves to be negated. This is for the reason that service jurisprudence does not provide that if a person already stands promoted to a particular post as per the prevailing Rules and subsequently, the R & P Rules qua the said post are amended and certain qualifications are added, which are not possessed by a person, who is already holding the promotional post, then post amendment in the R & P Rules, the promotion of that person to the post in issue as per the Rules existing at the time when the promotion was made, becomes bad in law and such an incumbent then has to be demoted. Therefore, in light of the said observations, the contention of the petitioner that because on 16.10.2024, the minimum educational qualification for promotion to the post of Senior Sheristedar from amongst the Sheristedars working in the Courts of Civil Judges and the Reader Grade-II stood amended, the private respondent should be demoted from the post of Senior Sheristedar as his promotion becomes bad in law, is rejected.

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12. Further, a perusal of the Annexure P-1 demonstrates that vide office order dated 16.12.2024, respondent Devi Singh, Superintendent Grade-II in the office of District and Sessions Judge, Solan, H.P, who stood designated as Senior Sheristedar, was placed as such in the same office. Meaning thereby, that as on the date when this office order was issued, the private respondent was serving in the office of Additional District & Sessions Judge, Solan and therefore also, the minimum educational qualification, which otherwise was relevant for promotion to the post of Senior Sheristedar, has no relevance as far as the facts of this case are concerned. This is for the reason that this minimum qualification has to be read only vis-a-vis the promotion of a Sheristedar in the Courts of Civil Judges and Reader Grade-II to the post of Senior Sheristedar in the Court of Civil Judges. Besides this, Annexure P-4, which was a Notification issued on 16.10.2024, obviously has to be applied prospectively, meaning thereby that after said amendment was incorporated in the 2022 Rules, thereafter, a Senior Sheristedar was to be appointed by way of promotion in terms of this particular Rule. In light of the fact that Devi Singh was already serving as a Senior Sheristedar when this amendment was brought

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into force, he was eligible for promotion by selection to the post of Chief Administrative Officer, because his eligibility for promotion to the said post was not to be judged from the perspective of the amendment which was carried out vide Annexure P-4 qua promotions to the post of Senior Sheristedar.

13. Therefore, in light of the above discussions, we have no hesitation in holding that the present writ petition is completely misconceived. In light of the fact that the private respondent stood promoted to the post of Senior Sheristedar as far back as in the year 2017 and as at the relevant time, he was fulfilling the eligibility criteria provided in the R & P Rules, which governed promotion to the post of Senior Sheristedar at that time, the prayer of the petitioner of quashing Annexure P-1 is hereby rejected and so are the subsequent prayers of the petitioner. Petition is accordingly dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

November 03, 2026
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