

(2010) 06 SHI CK 0028

High Court of Himachal Pradesh

Case No: C.W.P. (T) No. 4501 of 2008

Swaran Singh Thakur

APPELLANT

Vs

State of Himachal Pradesh and
Others

RESPONDENT

Date of Decision: June 19, 2010

Hon'ble Judges: Rajiv Sharma, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Rajiv Sharma, J.

The case of the Petitioner, in a nut-shell, is that he got his name registered in Sub-Employment Exchange, Arki in the year, 1988 after obtaining diploma in Draughtsman in April, 1988. His case has not been considered for batch-wise appointment to the post of Draughtsman (Civil). The case of the Respondent-State, precisely is that the name of the Petitioner has not been sponsored by the Employment Exchange. However, the Petitioner cannot be faulted for the same. Once the Petitioner has passed the diploma in Draughtsman in the year, 1988, his case was required to be considered for batch-wise appointment of Draughtsman (Civil) in the year, 2001. The Petitioner has passed the diploma in Draughtsman in April 1988 and got his name registered in Sub-Employment Exchange, Arki. Petitioner has done, which was expected from him, i.e., registering his name with the Employment Exchange, Arki in the year, 1988. The underline principle of making batch-wise basis appointments is to ensure that the candidates who have obtained professional degrees are offered appointment according to their batch. The very purpose of making appointments on batch-wise basis will be defeated if the candidates, like the present Petitioner who has passed diploma in April, 1988 are not considered for the posts filled in 2001 on batch-wise basis.

2. In sequel to order dated 7th May, 2010, the Respondent-State was directed to file a supplementary affidavit explaining the position why the case of the Petitioner has

not been considered for appointment to the post of Draughtsman (Civil) on batch-wise basis. However, the Respondent-State has not chosen to file the supplementary affidavit. It can safely be presumed that the Respondents have nothing to say in this case.

3. Accordingly, in view of the observations made hereinabove, the writ petition is allowed. Respondent-State is directed to consider the case of the Petitioner for appointment to the post of Draughtsman (Civil) for 1988 batch, if necessary by creating a supernumerary post within a period of ten weeks from the receipt of certified copy of this judgment. No costs.