

No.EDN-H(2)B(2)-36-CWP 1728/2019  
Directorate of Elementary Education  
Himachal Pradesh, Shimla-171001

Dated Shimla-171001

Aug. 2019

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

16 AUG 2019

शिमला-1

To

All the Dy. Director of Ele. Education  
Himachal Pradesh

Subject:-

CWP 1728/2019 titled as Kuldeep Kumar & Ors Vs State  
of Himachal Pradesh & Ors.

Sir

It is to intimate that the above Civil Writ Petition was listed before the Hon'ble High Court on 08.08.2019 when the Hon'ble High Court has been pleased to pass the following orders in this case:-

" 2. Restoring to the engagement of the teachers in the school under SMC Policy is in violation of order dated 13.2.2017 of the Hon'ble Apex Court passed in SLP No.1426 of 2015 and its connected matters SLP No.s 6090, 6644 and 7709 of 2015, because the apex Court has permitted the appointment of teachers by the respondent-State only by following the competitive method/ procedure by giving equal opportunity to all the eligible candidates.

3. The practice of appointment of teachers under SMC Policy is also in derogation of the own decision of the respondent-State that no appointment/engagement of teachers on SMC/period basis will be made in the State, taken consequent upon the orders ibid. The matter qua recruitment of teachers in the Schools in the State is also being monitored by this Court in CWPII No.157 of 2017. Order dated 10.10.2018, annexed to the written instructions reveals that the respondent-State was directed to apprise this Court the time limit within which the regular recruitment process shall be initiated/completed to fill-up the vacant posts in the Education Department. The result, however, is not encouraging as irrespective of considerable period elapsed, the respondent-State has failed to do the needful and to the contrary still resorting to appointment/engagement of teachers in the Schools under SMC Policy, which is not at all appreciable being violative of the right to education of the citizen, a fundamental right guaranteed under the Constitution of India.

8/15

2020  
19/08/2019

P.T.O

4. It is in this backdrop, we direct the respondent-State to file reply to this writ petition within three weeks. In the reply to be so filed, the respondent-State shall indicate the number of the teachers in different category appointed/engaged under SMC Policy and continuing as such. The vacancies in each category of teachers in the State and the steps taken to fill-up the same strictly in accordance with the Recruitment and Promotion Rules, be also indicated/specified in the reply to be so filed.

5. In the interim, we refrain ourselves from passing any order, at this stage, on the assurance given by learned Deputy advocate General that till further orders passed in this matter, no appointment/engagement of the teachers under the SMC Policy will be made. "

In view of above, you are hereby directed to comply with strictly the orders passed by the Hon'ble High Court and all the Head of the institutions may be ensured that no appointment/engagement of the teachers under the SMC Policy be made.



*Maul*  
Assistant Director  
Directorate (Ele.Edu.)

No. EDN - U (E-IV) Elem - SMC 2019 / 3520  
Office of the DDEE Una Dist. Una (H.P) dt 19/8/2019

Copy forwarded to all the Principal/Headmaster  
of Una Distt. for further necessary action.

To

The Principal/Headmaster,  
GSSS/ETIS Distt Una (H.P)

*Sunjan*  
19/8/19  
Deputy Director of Elementary  
Education Una, Dist. Una (H.P)  
19/8/19