

ITEM NO.122

COURT NO.3

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 5942/2023

HIMAKSHI

Appellant(s)

VERSUS

RAHUL VERMA & ORS.

Respondent(s)

[RETAIN ITS POSITION]

(IA No. 59924/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 104601/2025 - VACATING STAY)

WITH

C.A. No. 5943/2023 (XIV-A)

(IA No. 90937/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 90940/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 92637/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 27-11-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI

HON'BLE MR. JUSTICE VIJAY BISHNOI

For Appellant(s) :

Mr. P. S. Patwalia, Sr. Adv.
Ms. Natasha Dalmia, AOR
Ms. Anisha Jain, Adv.
Mr. Devesh Chand, Adv.

Mr. M C Dhingra, Sr. Adv.
Mr. Kunal Verma, Adv.
Mr. Gaurav Dhingra, AOR
Mr. Shashank Singh, Adv.

For Respondent(s) :

Mr. M C Dhingra, Sr. Adv.
Mr. Kunal Verma, Adv.
Mr. Gaurav Dhingra, AOR
Mr. Shashank Singh, Adv.

Mr. P. S. Patwalia, Sr. Adv.
Ms. Natasha Dalmia, AOR

Mr. Varinder Kumar Sharma, AOR
Mr. S K. Bandyopadhyay, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1) We have heard learned counsel appearing for the parties for some time. However, during hearing, it transpires that in the present case, the recruitment relates to the post of Computer Hardwar Engineer.
- 2) The minimum educational and other qualifications required for selection on the post by direct recruitment and Promotion Rules for the post of Computer Hardware Engineer in the Himachal Pradesh Board of School Education Dharamshala are as under:

7.	Minimum educational and other qualifications required for direct recruit(s)	a) Essential (i) B.E./B.Tech Degree in Electronics & Telecommunication/IT from a recognised University with at least 5 years experience in computer manufacturing/maintenance company of repute. (ii) Preference will be given to candidates with M.Tech in Electronic Degree. b) DESIRABLE QUALIFICATION: Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.
8.	Whether age and Education qualification(s) prescribed for direct recruit(s) will apply in the case promotes	Not applicable.
9.	Period of Probation if any	Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.
10.	Method of recruitment, whether by direct recruitment or by promotion, deputation/transfer and the percentage of vacancies to be	100% by Direct Recruitment on Contract basis. Every member of the service on contract basis shall be eligible for regularization as per Policy of government of Himachal Pradesh for regularization of contract employees, of course, subject to condition

	filled in by various methods.	that his past record is found satisfaction and his initial appointment is in accordance with these Rules.
11.	In case of recruitment by promotion, deputation transfer, grades from which promotion/deputation/transfer is to be made	Not applicable
12.	If a Departmental Promotion Committee exists, what is its composition	Not applicable.
13.	Circumstances under which the HPPSC is to be consulted in making recruitment.	As required under the Law.
14.	Essential requirement for a direct recruitment.	As candidate for appointment to any service or post must be a citizen of India.
15A	Selection for appointment to the post by direct requirement on contract basis.	Notwithstanding anything contained in these Rule contract appointments to the post will be made subject to the terms and conditions given below:

3) It is contended that under the Rules, age and experience in case of direct recruits is relaxable at the discretion of the Recruiting Agency/ Board. It also gives power of relaxation if it is necessary and expedient.

4) During arguments, Mr. P. S. Patwalia, learned senior counsel representing petitioner-Himakshi submits that relaxation in experience has been granted by the Recruiting Agency while Mr. M. C. Dhingra, learned senior counsel representing petitioner-Rahul Verma, submits that as per the result declared, it is not clear that the relaxation in experience has been granted by recruiting agency. It is also contended that as per the chart, his client possesses the requisite experience. The said argument of having requisite qualification and experience has been controverted

by Mr. P. S. Patwalia, *inter alia*, contending that experience which is required in computer manufacturing/maintenance company of repute. In absence of such experience, the reference of experience as indicated in the selection chart have no relevance.

5) Having considered the submissions as made, we deem it appropriate to call for the records of selection from the Board. The Board shall produce the relevant documents extending relaxation if any by the recruiting agency or in exercise of the power if any exercised by the Board along with the relevant record.

6) As prayed, four weeks' time to produce the said record and order sheet is allowed.

7) List on 28th January, 2026, at top of the Board.

(NIDHI AHUJA)
AR-cum-PS

(NAND KISHOR)
ASSISTANT REGISTRAR