IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 12542 of 2026 along with CWP Nos. 12337 and 12338 of 2026.

Decided on : 20th August, 2026.

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1. CWP No. 12542 of 2026.

Kamal Singh ...**Petitioner.**

Versus

State of H.P. & Ors. ....**Respondents.**

2. CWP No. 12337 of 2026.

Ajay Kumar ...**Petitioner.**

Versus

State of H.P. & Ors. ....**Respondents.**

3. CWP No. 12338 of 2026.

Ravi Bhandari ...**Petitioner.**

Versus

State of H.P. & Ors. ....**Respondents.**

Coram:

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

Whether approved for reporting?[1] *Yes.*

For the Petitioner(s): Mr. Munish Datwalia, Advocate.

For the respondents: Mr. Pushpinder Jaswal, Additional Advocate General for respondents No.1 and 2-State.

Ms. Neelam Kaplas, Advocate with Shubham Negi, Advocate, for respondent No.3-Board of School Education.

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

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Ajay Mohan Goel, Judge (Oral).

As common issues of law and facts are involved in all these petitions, they are being disposed of vide a common judgment.

2. The petitioners before this court were deployed to conduct examination at PM Shri GSSS, Jawali in different capacities. There was an incident of mass copying during the 10+2 examination on 13th March, 2026, in the said school. In terms of the suspension orders dated 13th March, 2026, issued against all the petitioners independently, they were placed under suspension pending disciplinary action on the ground that prima facie evidence in the form of video recording received by the Directorate demonstrated that the Teachers present in the examination hall were verbally indicating/narrating the answers of MCQ to the students.

3. The petitioners have approached this court praying for the quashing of the said suspension orders on the ground that as there was no review of the suspension orders within 90 days of the

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passing of the suspension orders, the same were rendered void ab initio and subsequent review thereof was of no consequence.

4. In the light of the issue involved in this petition, learned Additional Advocate General was called upon by this Court to have instructions as to whether the orders of suspension were reviewed within 90 days from the date of their issuance or not. Learned Additional Advocate General has handed over instructions received in each of the three cases, which in verbatim are the same. Accordingly, the instructions which have been received from the learned Additional Advocate General in CWP No. 12542 of 2026, titled "Kamal Singh vs. State of H.P. and others" are quoted hereunder:

> *"I have the honour to refer to above titled writ petition which is pending adjudication before the Hon'ble Court. The present Civil writ Petition was listed before the Hon'ble Court on 14-8-2026 when the Hon'ble Court was pleased to pass the following directions:*
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> > *"In the meantime, learned Additional Advocate General to have specific instructions as to whether the suspension order was reviewed within 90 days from the date of its issuance. In case no instructions are available with learned Additional Advocate General then it will be*

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presumed that the order was not reviewed within the stipulated period."

In this regard it is submitted that the process to review the suspension was started on 6-6-2026 i.e. well within the 90 days from suspension and final order of extension in suspension were issued on 12-6-2026 i.e on 91st day.

It is therefore, respectfully prayed that Hon'ble Court may kindly be apprised accordingly on the next date of hearing i.e. 20/8/2026, please."

5. A perusal of these instructions demonstrates that the orders of suspension were not reviewed within 90 days as from the date of the passing thereof. The same were reviewed on the 91st day. Thus, it is evident and apparent from the said instructions that the suspension orders were not reviewed within 90 days as is the mandate of Rule 10 of the CCS (CCA) Rules.

6. Hon'ble Supreme Court in ***Union of India and others Vs. Dipak Mali, (2010) 2 Supreme Court Cases 222***, has been pleased to hold that modification or revocation of the order of suspension is required to be done before the expiry of 90 days from the date of order of suspension and as categorically provided under Sub-rule (7) of Rule 10, the order of suspension made or deemed, would not be valid after a period of 90 days, unless it was extended after review

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for a further period of 90 days. Hon'ble Supreme Court also held that the order of suspension would not survive after the period of 90 days unless it was extended after review and on the facts of the said case, Hon'ble Supreme Court held that as the review had not been conducted within 90 days from the date of suspension, it became invalid after 90 days since neither was there review nor extension within the period of 90 days. Hon'ble Supreme Court thereafter held that subsequent review or extension could not revive the order which had already become invalid after the expiry of 90 days from the date of suspension.

7. Similarly, in ***Ajay Kumar Choudhary vs. Union of India through its Secretary and another, (2015) 7 Supreme Court Cases 291,*** Hon'ble Supreme Court has been pleased to reiterate this principle and the relevant paragraph of said judgment is being quoted herein below:-

> *"21. We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge-sheet is not served on the delinquent officer/employee; if the memorandum of charges/chargesheet is served, a reasoned order must be*

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> *passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognised principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognise that the previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time-limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of Commission that pending a the Central criminal Vigilance investigation, departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us."*

11. Therefore, in light of the law declared by the Hon'ble Supreme Court of India and Rule 10 of the CCS (CCA) Rules, as in the present case, the suspension orders of the petitioners were not reviewed within 90 days as from the date when the same were passed, said orders became invalid after the expiry of 90 days.

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Thereafter, the continued suspension of the petitioners till date was illegal and is declared as such.

12. The petitions are accordingly allowed. The impugned suspension orders dated 13.03.2026, are held to be invalid after the expiry of 90 days as from the date when the same were passed. The petitioners shall be deemed to be on duty after expiry of 90 days with effect from 13.03.2026 with all consequential benefits. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

20th August, 2026.
(jai)

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