

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP(C) No.5202/2026)

STATE OF H P & ORS.

APPELLANT(S)

VERSUS

RAM LAL SHARMA

RESPONDENT(S)

O R D E R

1. Leave granted.

2. The State of Himachal Pradesh is aggrieved by an interlocutory order dated 09.01.2026 passed by a Division Bench of the High Court of Himachal Pradesh, whereby the shifting of the office of Himachal Pradesh State Commission for Backward Classes from Shimla (Kasumpti) to Dharmshala has been stayed.

3. Since the issue that arises for consideration pertains to the grant of an *ad interim* stay, it is not necessary for us to state the facts *in extenso*. Suffice to mention that the Himachal Pradesh State Commission for Backward Classes has been constituted for identifying the caste and communities, in order to ascertain who would be entitled to certain benefits meant for the backward classes. The Chairperson of the Commission was appointed on 03.12.2025, followed by the induction of members on 23.12.2025. The State Government, thereafter, took a policy decision to shift the office of the Commission from Shimla to Dharamshala (District Kangra) and to maintain a cantonment office in Shimla.

4. Learned counsel for the appellant-State submits that such a decision was taken in public interest, keeping in view the demographic realities, as the OBC population is largely residing in the lower hill districts broadly known as 'Kangra and adjoining areas'. It was further stated that the relocation to Dharamshala will facilitate the Commission's access to OBC communities, most of whom reside in remote rural areas.

5. *Prima facie*, it seems to us that shifting of the Headquarters of an Institute is essentially a policy matter, and there is the least scope of justiciability, save and except when such shifting directly affects the constitutional or civil rights of the public at large. It is difficult to formulate such an opinion at this stage when the State Government has not even filed its counter-affidavit in the matter pending before the High Court. We too do not deem it appropriate to make any observations touching the merits of the case at this juncture. However, there seems to be no justification to restrain the State from shifting the office of the State Commission for Backwards Classes from Shimla (Kasumpti) to any place in Kangra District, including Dharamshala.

6. For the reasons aforesaid, we allow this appeal; set aside the impugned order dated 09.01.2026. The appellant-State shall be at liberty to shift the office of the Commission to Dharamshala or any other suitable place,

subject to the final outcome of the pending proceedings.

7. The Himachal Pradesh State Commission for Backwards Classes may file its reply/counter affidavit within a period of four weeks. The writ petitioner may file their rejoinder, if any, within two weeks thereafter to enable the High Court to finally decide the matter on the merits.

8. It is clarified that the observations made hereinabove are for the purposes of the interim stay.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

.....J.
(N.V. ANJARIA)

NEW DELHI;
FEBRUARY 09, 2026

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

Petition(s) for Special Leave to Appeal (C) No(s).5202/2026

[Arising out of impugned final judgment and order dated 09-01-2026 in CWPII No.9/2026 passed by the High Court of Himachal Pradesh at Shimla]

STATE OF H P & ORS.

Petitioner(s)

VERSUS

RAM LAL SHARMA

Respondent(s)

(IA No. 37991/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 09-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) : Ms. Madhavi Diwan, Sr. Adv.
Mr. Anup Rattan, Sr. Adv.
Mr. Vaibhav Srivastava, A.A.G.
Ms. Sugandha Anand, AOR
Mr. Puneet Rajta, Adv.
Mr. Ashish Joshi, Adv.
Mr. Dhruv Raman Singh, Adv.

For Respondent(s) : Mr. Ajay Sipahiya, Adv.
Mr. Shivam Prashar, Adv.
Mr. Tarun Mehta, Adv.
Mr. Amol Chitravanshi, AOR

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

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR

(signed order is placed on the file)

