

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CPLPA No. 36/2018

Iftikhar Hussain Shah
S/O Gh. Rasool Shah,
R/O Mangshla Filler Thakrie,
Tehsil Kishtwar,
District Doda.

....Petitioner(s)/Appellant(s)

Through :- Mr. Aditya Gupta, Advocate.

V/s

Sh. Anshul Garg
Deputy Commissioner
(District Development Commissioner)
Doda

....Respondent(s)

Through :- Mr. Amit Gupta, AAG.

**Coram: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

ORDER

11.12.2023

1. This contempt petition has been filed for initiating the contempt proceedings in terms of Contempt of Court Act and against the respondent for not complying with the direction given by this court dated 28.08.2018 in SWP No. 311/2007 titled '*Ifitikhar Hussain Shah v. State and Ors.*' & in LPA(SW) No.128/2018 dated 24.09.2018 titled '*Sandeep Gupta v. Ifitikhar Hussain Shah & Ors*', whereby the respondent no.2 was directed to re-draw the merit in accordance with the detailed directions passed by the learned Single Judge.

2. During the pendency of the contempt petition, several compliance reports have been filed. One of the compliance reports is filed on 08.11.2021, the relevant paragraphs, for the sake of reference, are reproduced as under:

"1. That the above titled contempt petition is pending disposal before this Hon'ble Court wherein this Hon'ble Court during the consideration of the matter on 12.07.2021 has been pleased to observed as under:-

'.... Mr. Aditya Gupta, learned counsel appearing on behalf of the petitioner submits that compliance report in regard to the petitioner in the instant contempt petition does not give material facts as regards the merit position. It appears that the statement made in the compliance report that

the petitioner did not make up the merit is general. We are also told that out of 45 posts only 38 were filled up, therefore, it would be important to understand the number at which the petitioner figures in the overall redrawn merit list and how the posts have remained unfilled till date.”

2. That it is submitted that as per the record following position vis-à-vis 45 posts notified in the selection process in question exists;

1.	Total number of posts advertised vide Notification No.03 of 2006 dated 27.06.2006	=	45 Nos.
2.	Total number of posts referred for selection to the recruitment agency	=	45 Nos.
3.	Total number of candidates appear in the selection process	=	101 Nos.
4.	No. of candidates selected in PDD	=	44 Nos.
5.	No. of candidates selected in PWD(Civil)	=	<u>01 Nos.</u>
	Total	=	<u>45 Nos.</u>
6.	Details of the appointment made by the selection agency is as under:-		
	(i) Open Merit	=	22 Nos.
	(ii) R.B.A.	=	18 Nos.
	(iii) S.T.	=	04 Nos.
	(iv) SC	=	04 Nos.
	(v) ALC	=	01 No.
	(vi) CDP	=	<u>01 Nos.</u>
	Total	=	<u>50 Nos.</u>
7.	Candidates who had not joined in PDD/ineligible	-	06 Nos.
	Total	=	44 Nos.

3. That it is submitted that since the petitioner (Iftikhar Hussain Shah) has been able to secure only 53.56 points, as such, was not selected. Copies of the appointment orders of the candidates appointed in the Power Development Department (PDD) are enclosed herewith as Annexure-I collectively for perusal of this Hon'ble Court. The answering respondent has further undertaken the exercise in terms of the order dated 12.07.2021 passed by this Hon'ble Court and the merit position of all the candidates up to the merit of petitioner (Iftikhar Hussain Shah) in the overall merit has been prepared which also reflects that it is only because of the overall merit of the petitioner (Iftikhar Hussain Shah) as he has obtained only 53.56 points, as such, the petitioner was not selected.”

3. From a perusal of the aforesaid compliance report, it would show that the petitioner could not make the grade as the overall merit of the petitioner is 53.56 points which is far below the last selected candidates.

4. Therefore, nothing survives for adjudication in this contempt petition, which is accordingly closed. The proceedings if any initiated are dropped. However, the petitioner would be at liberty to challenge the selection and appointment before the appropriate forum.

Jammu:
11.12.2023
Raj Kumar



(Rajesh Sekhri)
Judge

(Tashi Rabstan)
Judge