

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

RP No.88/2023 in
SWP(C) No.1585/2021

Latief Ahmad Shah & Ors.

...Review Petitioners.

Through: Mr. Jahangir Iqbal Ganai, Sr. Advocate, with
Mr. Mohammad Hashim, Advocate.

Vs.

State of J&K and others.

....Respondent(s)

Through: Ms. Monika Kohli, Sr. AAG.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE (Through VC)

ORDER
29.12.2023

01. Heard Mr. Jahangir Iqbal Ganai, Ld. Sr. Advocate, assisted by Mr. Mohammad Hashim, Advocate, as also Ms. Monika Kohli, learned Sr. AAG.

02. Considering the limited prayer and nature of the case, we are of the view that it may not be necessary to serve notice upon the other parties inasmuch their interest may not be adversely effected by allowing the prayer sought in the review petition and the same can be taken care of by the State respondents.

03. This Court while allowing LPASW No.144/2017 along with connected LPAs and Writ Petitions, vide common judgment and order dated 24.11.2023 had issued the following direction in paragraph no.69(iv):

“69(iv) The private respondents in WP(C) Nos. 1546 of 2021, 1548 of 2021, 1684 of 2021, 1585 of 2021 and 736 of 2023, who have continued to pursue their claim till now, stated to be numbering 63(sixty-six), shall be appointed as Wireless Assistants against the resultant 151 (one fifty-one) vacant posts

of Wireless Assistants, subject to their suitability and on attaining the benchmark in terms of the performance in the recruitment process pursuant to the advertisement dated 09.03.2007, as may be decided by the appointing authority, as observed above, within a period of one month from today.”

04. It has been submitted by Mr. Jahangir Iqbal Ganai, learned Senior Counsel for the Review Petitioners, that though the present review petitioners were impleaded as private respondent Nos. 21, 27, 29, 30 and 31 in the writ petition bearing WP(C) No.1585/2021, however, their names did not figure in the list of respondents in the judgment. As mentioned above, this Court in paragraph 69(iv) of the judgment and order dated 24.11.2023 had directed that 63 candidates who have continued to pursue their claim till now, shall be appointed as Wireless Assistants against the resultant 151 vacant posts of Wireless Assistants. He submits that this Court has incorrectly been informed about the number of persons who have been pursuing their cause as 63 as the review petitioners had been inadvertently left out. He submits that instead of 63, the correct figure is 68. Accordingly, the review petitioners seek review of the judgment and order dated 24.11.2023 to the aforesaid extent only.

05. Since as mentioned in paragraph 69(iv), there will be 151 resultant vacancies of Wireless Assistants, the inclusion of the review petitioners numbering five at this stage would not cause any prejudice to anybody and since they are similarly situated as the other private respondents, we are of the view that allowing the application in hand would not prejudice the rights and interests of any of the parties.

06. In view of the above, we allow this review petition and the paragraph 69(iv) of the judgment and order dated 24.11.2023 shall be read as *“The private respondents in WP(C) Nos. 1546 of 2021, 1548 of 2021, 1684 of 2021, 1585 of 2021 and 736 of 2023, who have continued to pursue their claim till now, stated to be numbering 68 (sixty-eight), shall be appointed as Wireless Assistants against the resultant 151 (one fifty-one) vacant posts of Wireless Assistants, subject to their suitability and on attaining the benchmark in terms of the performance in the recruitment*

process pursuant to the advertisement dated 09.03.2007, as may be decided by the appointing authority, as observed above, within a period of one month from today.”

07. The review petition is, accordingly, allowed to the extent indicated above.

(PUNEET GUPTA)
JUDGE

(N. KOTISWAR SINGH)
CHIEF JUSTICE

Srinagar
29.12.2023
Abdul Qayoom, Secy.

