

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

LPASW No. 161/2018

Rubaya Jan

...Appellant/Petitioner(s)

Through: Mr. Ahmad Javaid, Advocate

Vs.

State of J&K and Ors.

...Respondent(s)

Through: Mr. Mohsin Qadiri, Sr. AAG with
Ms. Maha Majeed, Advocate

CORAM:

HON'BLE MR JUSTICE TASHI RABSTAN, JUDGE

HON'BLE MR JUSTICE PUNEET GUPTA, JUDGE

ORDER

19.04.2023

1. Heard and considered.
2. Setting-aside of the judgment and order dated 24.09.2018, passed by learned Single Bench of this Court in SWP No. 734/2015, titled *Rubaya Jan v. State of J&K and Ors*, is sought for by appellant in this appeal.
3. The brief facts leading to filing of this appeal are that that respondent no.4-Zonal Education Officer Zone Devsar, issued advertisement notice vide Notification No. CEO/K/RBA/5033/13 dated 15.06.2013, inviting applications from eligible candidates hailing from the revenue village Kraloo in case the habitation was predominantly inhabited by SC/ST only, for engagement as ReT in Middle School Mirasinallah Kund. The minimum qualification prescribed for the said post was 10+2 and above. The appellant as well as private respondent no.6, applied for the same. Respondents

issued a Panel for the engagement of one ReT in MS Mirasinallah Kund under G. O. No. 522-Edu of 2013.

4. Aggrieved of the aforesaid panel, the appellant filed writ petition, bearing SWP No. 643/2014. During its pendency, the respondents issued formal engagement order dated 07.04.2015 in favour of respondent no.6 and as a consequence of which appellant/ writ petitioner withdrew the writ petition with a liberty to file a fresh one. He, accordingly, challenged engagement of respondent no.6 in a writ petition (SWP No. 734/2015), which was dismissed in terms of judgement impugned. This is how the instant appeal has come up before us.
5. It is submitted by learned senior counsel for the respondents that writ petitioner's application was turned down because of the fact that ReT position was to be filled on habitation basis whereas the petitioner falls in Revenue Village category, which was to be considered as second option if it would have been found that there was no candidate available on habitation basis.
6. We have given our thoughtful consideration to the submissions made by learned counsel for parties. We have also gone through the record on the file.
7. We are not inclined to interfere with the judgement impugned passed by a Writ Court. The reason being that the Writ Court has rightly found and observed that selection/engagement of respondent no.6 has been made on the habitation basis inasmuch as the advertisement notice was issued for engagement of ReT on habitation basis. It also comes to fore that all that was required to

be done by the Village Education Committee/ Panchayat Members have been undertaken while making selection for ReT in question, and fulfillment of all prerequisites as envisaged under ReT Scheme, name of respondent no.6 was recommended, which was rightly followed by his engagement as ReT.

8. Viewed in the above context, the appeal is **dismissed**.

(PUNEET GUPTA)
JUDGE

(TASHI RABSTAN)
JUDGE

SRINAGAR

19.04.2023

Manzoor

