

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

Case No: LPASW No.60/2011

c/w

LPASW No. 65/2011

LPASW No. 67/2011

Reserved on: 20.11.2025

Pronounced on: 27.11.2025

Uploaded on: 27.11.2025

*Whether the operative part or full
Judgment is pronounced: **Full***

Champa Devi and another.

...Appellant(s)

Through: Mr. S.S.Ahmed, Advocate

v/s

Gulab Chand and others
a/w connected matters

.... Respondent(s)

Through: Ms. Saliqa Sheikh, Assisting Counsel to
Mr. Raman Sharma, AAG for official
respondents.

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

JUDGMENT

PER OSWAL-J

1. All these three intra-court appeals arise out of a common judgment dated 07.10.2010 rendered by the learned writ Court in SWP No. 1432/2002.
2. LPASW No. 60/2011 has been preferred by Champa Devi & Dhamanter Singh; LPASW No. 65/2011 has been preferred by the State

of J&K & others; and LPASW No. 67/2011 has been preferred by the J&K Service Selection Board. For ease of reference and clarity, the facts recited herein are drawn from the first intra-court appeal, i.e., LPASW No. 60/2011.

3. Pursuant to Notification No. 01 of 1999 dated 09.03.1999 issued by the J&K Service Selection Board (respondent No. 3), the appellants submitted their applications for the post of Teachers under the Scheduled Caste Category for District Cadre Doda. Following the selection process, a select list was published on January 6, 2002, placing the appellants at Serial Nos. 3 and 22 respectively under the Scheduled Caste category. Consequent thereto, appointment orders were issued in their favour. Appellant No. 1 came to be posted at Primary School, Bunda, Chatroo, Kishtwar, while Appellant No. 2 was posted at Middle School, Sindra, Bhaderwah, Doda.
4. Private respondent No. 1 (the writ petitioner) filed the writ petition, SWP No. 1432/2002, to quash the selection list of Teachers for District Cadre *to the extent* it included the appellants, and also to quash the waiting list issued under the Scheduled Caste category. The learned writ Court, upon consideration, disposed of the said writ petition vide judgment dated 07.10.2010 and issued the following directions:

“In view of the above, this petition is allowed. Keeping in view the fact that respondent 4 and 5 are working as teacher since 2002, it would not be appropriate to quash their appointments. I direct the respondents to appoint the petitioner as Teacher against any available vacancy, in Doda District within a period of three months from today. In case, needful is not done within the aforesaid period, selection of the private respondents No.4 and 5

shall stand quashed. Compliance report in this behalf shall be submitted by the respondents in the end of January, 2011.

Registry to maintain the index of the file and list the same in the first week of February, 2011.

Disposed of.”

5. The appellants, being aggrieved of the judgment dated 07.10.2010, have questioned the same primarily on the ground that the learned writ Court, without examining the relevant selection records and by presuming the averments of the contesting respondent No.1 (the writ petitioner) to be correct, proceeded to pass the impugned judgment. The appellants also contend that the official respondents failed to place the true and correct facts before the learned Single Judge. However, subsequent to the passing of the impugned judgment, the Secretary, Service Selection Board, Jammu addressed a communication dated 13.12.2010 to the Secretary, Education Department, Jammu, wherein it was clarified that respondent No.1–Gulab Chand had secured only 26.96 points, whereas the appellants had secured 41.53 and 33.66 points, respectively. The appellants have specifically set out their merit position as well as that of respondent No.1 (the writ petitioner) in the present appeal.
6. In the two connected appeals arising out of the same judgment, the similar issue has been raised by the appellants therein.
7. None has appeared on behalf of respondent No.1(the writ petitioner). Ms. Saliqa Sheikh, Assisting Counsel to Mr. Raman Sharma, learned AAG, has appeared for the official respondents and has also produced the relevant record of selection.

8. A bare perusal of the record demonstrates that appellant No.1, Champa Devi, had secured 41.53 points, and appellant No.2, Dhamanter Singh, had secured 33.66 points, whereas respondent No.1 (the writ petitioner)-Gulab Chand, had secured only 26.96 points. The record clearly establishes that Respondent No. 1 (the writ petitioner) scored lesser points than the Appellants. The Appellants contend that the learned Writ Court erred by presuming the correctness of Respondent No. 1's averments in the writ petition, without calling for and examining the selection record. This error, according to the Appellants, led to the passing of the impugned judgment. The impugned judgment itself vindicates the appellants' stand, observing that the official respondents failed to produce the necessary record.
9. Considering the undisputed position that Respondent No. 1 (the writ petitioner) secured lesser points than the Appellants, we conclude that the learned Writ Court's judgment fails to withstand judicial scrutiny. Consequently, the impugned judgment dated 07.10.2010 passed by the learned Writ Court is set aside. As a result, SWP No. 1432/2002 shall stand dismissed. The appeals are, accordingly, allowed.
10. Registry to return the record to learned A.A.G.

(Rajnish Oswal)
Judge

(Arun Palli)
Chief Justice

Jammu
27.11.2025
Madan Verma-Secy

Whether order is speaking? **Yes.**
Whether order is reportable? **No.**