

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 1845/2023 c/w
WP(C) No. 2129/2023

**J&K Public Service
Commission**

.... Petitioner/Appellant(s)

Through:- Mr. F.A Natnoo, Advocate
Mr. Nitin Bhasin, Advocate
Mr. Meharban Singh, Advocate

V/s

Rayees Ahmad Dar & Ors.

.....Respondent(s)

Through:- Mr. Jahangir Iqbal Ganai, Sr. Advocate
With assisting counsel (through VC)
Mr. Vikas Mangotra, Advocate

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
18.08.2025

1. These two petitions, one by “J&K Public Service Commission” i.e. WP(C) No. 1845/2023 and another by “Rashpal Singh & another” WP(C) No. 2129/2023 are directed against an order and judgment dated 15.04.2021 passed by the Central Administrative Tribunal, Jammu, Jammu Bench [**the Tribunal**] in TA No. 62/5463/2020 titled “***Rayees Ahmad Dar & another Vs. J&K State Public Service Commission & Others.***”, whereby the Tribunal has allowed the TA filed by the respondents and quashed the impugned notices issued by the PSC on the ground that the PSC becomes a functus officio after it has made its recommendations to the Government and such recommendations are acted upon by the Government.

2. During the course of argument it was brought to our notice that on the recommendations made by the J&K Public Service Commission dated 26.12.2016, the Government has issued a show cause notice to the respondents to explain their position within a period of two weeks as to why their appointment as Assistant Professor should not be cancelled *ab initio*, providing further that in case nothing was heard from them, their appointment as Assistant Professor would be cancelled without any further notice. This show cause notice dated 02.08.2023 is now subject matter of challenge in OA No. 632/2023 filed by the respondents.
3. In view of the subsequent development i.e, the issuance of show cause notice by the Government for terminating the services of the respondents, the instant petitions have been rendered infructuous. The question as to whether after making recommendations of the selected candidates for appointment, the Public Service Commission becomes *functus officio* is a question rendered academic. The petitioners in WP(C) No. 2129/2023 are not party respondents in OA No. 632/2023, however, the respondents herein who are applicants before the Tribunal have moved MA No. 113/2025 for impleading them as party respondents. It would, therefore, be in the interest of justice to allow the aforesaid MA and to implead the petitioners in WP(C) No. 2129/2023 as party respondents in the OA No. 632/2023. **Ordered accordingly.**
4. In view of the aforesaid, these petitions, which have been rendered infructuous, are dismissed as such with the clarification that the proposition of law laid down by the Tribunal in the judgment

impugned in this petition i.e, Public Service Commission becomes functus officio after it makes recommendation of selected candidates for appointment to the appointing authority and, therefore, cannot, thereafter, withdraw the selection would not be cited as a precedent nor the same shall be used by either party.

5. The OA is sent back to the Tribunal to be taken up for final consideration on 16.09.2025. The impleaded respondents shall necessarily file their reply/affidavit, if any, by or before that day.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
18.08.2025
Rahul

