

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

WP(C) No. 1940/2025

CM No. 4953/2025

CAV No. 1217/2025

Asma Perwez

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

Through: Mr. Gourab Sharma, Advocate.

vs

UT of J&K & Ors.

..... Respondent(s)

Through: Mr. Abhinav Sharma, Sr. Advocate with
Mr. Abhimanyu Sharma, Advocate for R-4
Mr. Nirmal K. Kotwal, Advocate vice
Mr. Ravinder Gupta, AAG for R- 1 & 5.
Mr. F. A. Natnoo, Advocate for R-2 & 3.

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

**ORDER
12.08.2025**

CM No. 4953/2025

1. For the reasons stated in the application coupled with the submissions made at bar, the same is allowed.
2. Pleadings filed by respondent No. 2, 3 and 4 are taken on record.

WP(C) No. 1940/2025

1. Impugned in this petition, filed by the petitioner, under Article 226 of the Constitution of India, is an order/judgment dated 30.05.2025, passed by the Central Administrative Tribunal, Jammu [**“the Tribunal”**] in OA No. 147/2024 titled *Monika Sharma Vs. Union Territory of J&K & Ors.*, whereby the Tribunal has allowed the OA filed by the respondent No. 4-Monika Sharma and quashed the communication No. JKPS/DR-HE-AP-Environment Science/2023 dated 10.01.2024 with a direction to the Department of Higher Education to act upon the recommendation already made by the J&K Public Service Commission vide communication dated 02.11.2023

and appoint the respondent-Monika Sharma to the post of Assistant Professor in the subject Environmental Science in the Higher Education Department.

2. The short grievance, that is projected by the petitioner in this petition, is that since the communication impugned before the Tribunal dated 10.01.2024 issued by J&K Public Service Commission had emanated pursuant to the objection raised by the petitioner herein to the consideration of two publications of the respondent-Monika Sharma, as such, she was a necessary party in the OA.
3. He submitted that as a matter of fact, an application i.e. MA No. 1074/2024 was filed by the petitioner to be impleaded as party, but the same remained unaddressed. He submits that although the status of application indicated on the website is disposed of, but the judgment impugned does not reflect any consideration of the said application.
4. Mr. Abhinav Sharma, learned Senior counsel appearing for the respondents would submit that in the absence of any reference to the application of the petitioner in the impugned judgment, he is not in a position to comment as to whether his application was ever considered and disposed of by the Tribunal.
5. Be that as it may, we are of the considered opinion that the petitioner was a necessary party in the OA filed by the respondent-Monika Sharma and ought to have been heard in the matter.
6. That apart, once a formal application was moved by the petitioner to be impleaded as party respondent, the same ought to have been decided by the Tribunal on merits. This, however, has not happened in the instant case, as a result whereof, the petitioner has been put to serious prejudice.
7. For the foregoing reasons, we are inclined to accept this petition and set aside the impugned order. We also direct the impleadment of the petitioner herein as party-respondent in the O.A. He shall file the objections to the petition within a period of four weeks from today.

8. The matter shall be reheard and decided by the Tribunal on its merits.
9. We are told that after the disposal of the OA, filed by respondent-Monika Sharma, the selection of respondent-Monika Sharma has been acted upon and formal order of appointment has been issued vide Government Order No. 336-JK(HE) of 2025 dated 08.08.2025. The order itself provides that the appointment is subject to outcome of any Court case pending in any Court of law, including the civil suit. In that view of the matter, we only clarify that the appointment of respondent-Monika Sharma, who is petitioner before the Tribunal, shall remain subject to the outcome of the OA.
10. Let the parties appear before the Tribunal on 16.09.2025.

Jammu
12.08.2025
Vishal Sharma

