

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

WP(C) No.2066/2025

CM No.4701/2025

CAV No.1710/2025

Zakir Hussain & Ors.

..... Petitioner(s)

Through: Mr. Anuj Malhotra, Advocate.

Vs

Vice Chancellor, BGSBU & Ors.

..... Respondent(s)

Through: Mr. D. C. Raina, Sr. Advocate with
Mr. Anuj Dewan Raina, Advocate.

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER

01.08.2025

01. Petitioners, through the medium of this petition, seek quashment of Notification No.BGSBU/DAA/25/253 dated 22.07.2025 issued by the respondent-University seeking applications for engagement as Assistant Professors/Teaching Assistants, in various disciplines/faculties purely on temporary basis on a consolidated monthly salary of Rs.30,000/- for Assistant Professor and Rs.24,000/- for Teaching Assistant, asserting therein that they have been already working against these positions under the same arrangement, as such, the respondent-University is not authorized to replace them by the similar arrangement, in view of the law laid down by the Apex Court.
02. Mr. D. C. Raina, Sr. Advocate, assisted by Mr. Anuj Dewan Raina, Advocate, while appearing for the respondent-University, has taken a strong exception about the plea raised by the petitioners, particularly on the point of jurisdiction of this Court and has argued that since the respondent-University has been brought within the purview of jurisdiction of the Central Administrative Tribunal in terms of Notification issued vide

G.S.R.471(E) dated 02.08.2024 by Government of India, through the Ministry of Personnel, Public Grievances and Pensions, and that in view of the aforesaid Notification and the provisions contained in Chapter III of The Administrative Tribunals Act, 1985, it is the Central Administrative Tribunal which has jurisdiction in the matters with regard to the recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of the respondent-University. He has drawn the attention of this Court to sub-section (3) of Section 14 of The Administrative Tribunals Act, 1985. He has also brought to the notice of this Court an order dated 02.08.2024 passed by a coordinate Bench in WP(C) No.1825/2024 titled '**Sayeed Zahara Vs. Vice Chancellor Baba University & Ors.**' whereby the matters with regard to the subject of that petition relating to the Academic Arrangement purely on contractual basis, as is in the case on hand, was held to be triable by the Central Administrative Tribunal and that matter had been transferred to its local Bench.

03. The learned counsel for the petitioners, *ex adverso*, has vehemently argued that the Order being referred to passed by the coordinate Bench, is not an authoritative judgment on adjudication and had been passed on the submissions of the counsel for the petitioners therein, as such, this matter is required further to be adjudicated upon, so as to ascertain as to whether in the contractual matters with regard to the service, this Court or the CAT has the jurisdiction and prayed that the matter be entertained and interim relief be granted as prayed for in favour of the petitioners with liberty to the respondents to raise the point of jurisdiction in their pleadings.

04. Sub-section (3) of Section 14 of The Administrative Tribunals Act, ex facie, reveals that the Central Administrative Tribunal has to exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation or society, all the jurisdictions, powers and authority exercisable immediately before that date by all courts (except the Supreme Court) in relation to recruitment and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation or society are vested in C.A.T. Therefore, as per this provision, no distinction has been made with regard to the recruitment on a permanent basis or on a contractual basis, as such, in the considered opinion of this Court, it is the Central Administrative Tribunal, which has the jurisdiction, power and authority to decide the matter raised in this petition.
05. Having regard to the afore stated reasons and the objection raised with regard to the jurisdiction of this Court to entertain this petition, particularly in the face of view taken by a coordinate Bench, this Bench is left with no other option except to follow the same.
06. In this view of the matter, the petition is **disposed of** with liberty to the petitioners to approach the competent forum with their grievances.

(M A Chowdhary)
Judge

Jammu
01.08.2025
Narinder