

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

**CPSW No. 311/2010 in**  
**SWP No. 2353/2010**

Pronounced on: 03.12.2025  
Uploaded on: 08.12.2025

**Gulnaz Ara**  
D/o Ab. Sobhan Rather  
W/o Nazoor Ahmed  
R/o Kilothran, Tehsil: Bhalessa  
Gandoh, District: Doda

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

Through: Mr. P. N. Bhat, Advocate with  
Ms. Urvashi Kichloo, Advocate

**vs**

1. Bashir Ahmed, Chief Medical Officer  
(Vice Chairman District Health Society)  
Doda.
2. Sh. Farooq Ahmed, Deputy Commissioner  
Doda.

..... Respondent(s)

Through: Mr. Raman Sharma, Sr. Advocate with  
Ms. Jagmeet Kour, Advocate  
Ms. Priyanka Bhat, Advocate vice  
Ms. Monika Kohli, Advocate

**CORAM: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE**  
**ORDER (ORAL)**

1. In the instant contempt petition, the petitioner herein has alleged non-compliance of order dated 08.10.2010, in terms whereof, the writ petition filed by the petitioner being SWP No. 2535/2010 came to be disposed of as under:-

*“.....Considering the submissions, it shall be quite appropriate to dispose of this petition at this stage. As such, is disposed of with the direction to respondents 2 and 3 that they shall not issue the order of engagement/appointment in favour of respondent-4, Nusrat*

*Akhter figuring at serial No. 38 in the provisional select list issued from the office of Chief Medical Officer, Doda, until they consider the objections of petitioner. Furthermore, respondents 2 and 3 shall hear both petitioner and respondent 4 in support and against the objections as filed viz a viz provisional selection of respondent 4 and thereafter, pass appropriate order strictly in accordance with the scheme and rules applicable.*

*Dispose of as above alongwith connected CMP.”*

2. Perusal of the record reveals that the petitioner herein have had stated in the writ petition supra that the Chief Medical Officer/Vice Chairman District Health Society, issued an advertisement notice on 29.07.2010 inviting therein applications from eligible candidates for appointment of various categories of posts in District Doda, including the post of ANM (Auxiliary Nurse Midwife) and that though the petitioner was entitled to be selected and appointed as ANM in sub-centre Kilothran on account of her merit, eligibility and suitability, the official respondents selected and appointed respondent 4 namely Nusrat Akhter and the Court, after considering the case set up by the petitioner therein the said petition, as also the stand taken by the official respondents in opposition thereto disposed of the same by directing the Deputy Commissioner, Doda to conduct an enquiry in the matter and take a decision thereof while further directing that till such time a decision is taken, the provisional selection list, selecting the selectee namely Nusrat Akhter, be not given effect to and that before taking a decision, the petitioner as well as the said Nusrat Akhter be

heard in the matter and that appropriate order be passed thereafter strictly in accordance with the scheme and rules applicable thereto.

3. Record further reveals that the Deputy Commissioner, Doda, in compliance to the aforesaid order of the Court dated 08.10.2010 proceeded therewith the matter and passed an order on 12.07.2012, however, it emerges from the record that during the course of the enquiry and before passing of the said order dated 12.07.2012 one namely Sakina Banoo, who too had applied for her engagement as ANM pursuant to the said advertisement notice for sub-centre Kilothran and also being resident of Kilothran and had approached before the Deputy Commissioner, Doda and stated that even though she too had applied for her consideration, selection and engagement as ANM pursuant to the advertisement notice dated 29.07.2010 yet she was considered for selection and appointment for sub-centre Dharawari and that even in the said sub-centre, candidate namely Shahida Akhter had been wrongly selected and engaged while stating further that the selection and appointment of said Shahida Akhter stands called in question by her in SWP No. 2660/2010 before the High Court and that she, being resident of village Kilothran, was required to have been considered for selection and appointment for the sub-centre Kilothran.
4. Record also reveals that the Deputy Commissioner, while considering the case of said Sakina Banoo along with the case of the petitioner herein as also that of above named Nusrat Akhter, concluded that

Sakina Banoo, being resident of Kilothran and not a resident of Dharawari, ought to have been considered for selection and appointment as ANM for sub-centre Kilothran owing of her being more meritorious and not for Dharawari and consequently sought the panel of eligible candidates who had applied for sub-centre Kilothran from Chief Medical Officer, Doda, whereafter, on the basis of the merit position of the candidates who had applied for sub-centre Kilothran, the said Sakina Banoo came to be selected and appointed purportedly in tune with the mandate of the order passed by this Court on 08.10.2010, which required the Deputy Commissioner to pass appropriate orders strictly in accordance with the scheme and rules applicable thereto.

5. Although the order of this Court dated 08.10.2010, non-compliance of which has been alleged by the petitioner herein required the Deputy Commissioner to hold the enquiry vis-a-vis the petitioner and the above named Nusrat Akhter, the Deputy Commissioner, Doda seemingly, in order to resolve the controversy conclusively and to follow the mandate of the scheme and rules, has extended the scope of enquiry and consequently came to the conclusion that the candidate namely Sakina Banoo, in fact, ought to have been considered for selection and appointment in Sub-Centre Kilothran and has rightly after receiving the *inter se* merit of the candidates *qua* who had applied thereof for the said sub-centre directed selection and appointment of said Sakina Banoo, who, as per record has been

thereafter selected and appointed in terms of order dated 24.08.2012 issued by Chief Medical Officer, Doda.

6. In view of the aforesaid position obtaining in the matter and also having regard to the entire record produced by the counsel for the respondents pertaining to the selection in question, indisputably the Deputy Commissioner has not committed any breach or violation of the Court order dated 08.10.2010 in essence, but in essence has followed the mandate of the same and in the process, followed the applicable scheme and rules.
7. Viewed thus, the contempt notice issued is recalled and proceedings are closed.
8. The record produced by counsel for the respondents is returned back in the open court.
9. **Disposed of.**

**(Javed Iqbal Wani)**  
**Judge**

**Jammu**  
03.12.2025  
Vishal Sharma

Whether the order is reportable: Yes/No

Whether the order is speaking: Yes/No