

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

Uploaded on **26.12.2025**

CJ Court

Case No. LPA No. 257/2025 in
(WP(C) No. 306/2022)
CM No. 6821/2025 &
CM No. 6822/2025

1. J&K Board of School Education, ...Petitioner(s)/Appellant(s)
Rehari Jammu through its Secretary.
2. Chairman, J&K Board of School
Education, Rehari Jammu

Through: Mr. K. D. S. Kotwal, Advocate

v/s

1. Rakesh Kumar S/o late Sh. Jagdish
Raj, R/o Andheri Gali, Near Janta
Flour Mill Gangyal, Jammu (J&K)...Respondent(s)
2. Union Territory of Jammu and
Kashmir, through its Administrative
Secretary, School Education
Department, Civil Secretariat, Jammu
3. Secretary to Government, General
Administration Department, Civil
Secretariat, Jammu....Proforma respondent(s)

Through: Mr. Navyug Sethi, Advocate for R-1
Ms. Priyanka Bhat, Advocate vice
Mrs. Monika Kohli, Sr. AAG for R 2 & 3

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

ORDER
17.12.2025

1. The respondent No. 1 had filed a writ petition for declaring the applicability of Notification SRO 120 of 2018 dated 05.03.2018 retrospectively as illegal and for quashing of the communication/order dated 10.03.2020, whereby the claim of respondent No. 1 for compassionate appointment under the J&K Compassionate Rules, 1994 was rejected by placing reliance upon the SRO 120/2018. A further direction was also sought for commanding the appellants to consider and appoint respondent No. 1 against a post commensurate with his qualifications in the J&K Board of School Education or in any other Government Department.

2. The writ petition came to be allowed by the learned writ court vide order dated 16.07.2025, whereby the impugned communication dated 10.03.2020 was quashed, and the appellant-Board was directed to offer compassionate appointment to the respondent No. 1 notionally with effect from 03.03.2018 i.e. the date on which approval was sought from the competent authority.

3. Mr. K. D. S. Kotwal, learned counsel for the appellants has submitted that the learned Writ Court could not have directed the appellant-Board to offer compassionate appointment to respondent No. 1 notionally with effect from 03.03.2018, as approval had not been granted on that date. He has further stated that the respondent's claim was rejected solely on the ground that, in terms of SRO 120 of 2018 dated 05.03.2018, a married son was not entitled to compassionate appointment. Mr. Kotwal has also submitted that notwithstanding the SRO 120 of 2018, the appellants would consider the claim of the respondent for compassionate appointment and would issue

appropriate orders in this behalf as expeditiously as possible, provided the respondent No. 1 furnishes the requisite documents.

4. Per contra, Mr. Navyug Sethi, learned counsel for the respondent No. 1, has submitted that the respondent No. 1 would have no objection, if the direction regarding grant of notional benefit to the respondent No. 1 with effect from 03.03.2018 is set aside.

5. In view of the consensus arrived at between the parties, the order dated 16.07.2025 is modified to the extent that the appellants shall consider and examine the claim of the respondent No. 1 for compassionate appointment notwithstanding SRO 120 of 2018 dated 05.03.2018, and shall pass appropriate orders within a period of four weeks from the date the respondent No. 1 furnishes the requisite documents, who shall, however, furnish the same within a period of three weeks from today.

6. The appeal is disposed of accordingly.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

JAMMU:
17.12.2025
Karam Chand

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No