

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

Case No:-WP(C) No. 3192/2023

1. **Shafia Kousar, Age 28 years,** Petitioner(s)
W/o Abdul Qayoom, R/o Ward No. 2,
Sangiote (Lamba Pani), Tehsil Balakote,
District Poonch.
2. **Nusrat Nazir, Age 30 years, W/o Mohd.**
Raseef, R/o Ward No. 2, Sangiote (Lamba
Pani), Tehsil Balakote, District Poonch.

Through: Mr. Qayoom Chowdhary, Advocate vice
Mr. Ajaz Chowdhary, Advocate.

Vs

1. **UT of J&K Th.** Respondent(s)
Commissioner Secretary, Social Welfare
Deptt., Civil Sectt., Jammu;
2. **The Mission Director ICDS, Jammu;**
3. **District Programme Officer, ICDS Poonch;**
4. **Child Development Project Officer, (Poshan)**
Balakote, District Poonch.
(Member Secretary Selection Committee)

Through: Ms. Nisha Kangotra, Advocate vice
Mr. Ravinder Gupta, AAG.

Coram: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER(ORAL)

30.04.2025

1. In the instant petition, the petitioners have challenged the Advertisement Notice No. 2 of 2023 dated 13.09.2023 issued by respondent no. 4 for filling of up the posts of engagement of Sanginis (Anganwadi Worker) and Sahayikas (Anganwadi Helpers) in Anganwadi Centre of Poshan (ICDS) Projects Balakote for Centre Lamba Pani, Ward No. 2 Sangiote, Balakote, District Poonch, besides seeking direction upon the respondent to complete the

process of selection for the said posts initiated pursuant to the notification advertisement Notice No. ICDS/DK/Adv/175-78/2015 dated 27.02.2015.

2. The case set up by the petitioners in the petition is that respondent no. 4 issued an Advertisement Notice dated 27.02.2025 for engagement of Sanginis (Anganwadi Worker) and Sahayikas (Anganwadi Helpers) in Anganwadi Centre of Poshan (ICDS) Projects Balakote for Centre Lamba Pani, Ward No. 2 Sangiote, Balakote, District Poonch and petitioner nos. 1 and 2 being eligible for the posts of Sanginis (Anganwadi Worker) and Sahayikas (Anganwadi Helper), applied respectively for selection/engagement against the said posts, however, the respondents did not conclude the selection process and instead, issued the impugned Advertisement Notice dated 13.09.2023, that too in violation of circulation dated 22.09.1999, Government order and Government Order dated 09.01.2006, which *per-se* provides that an advertisement notice/ process of selection qua the posts in question shall not be withdrawn with prior approval of the Chief Secretary/Chief Minister.

3. **Objections** to the petition have been filed by the respondents, wherein it is being stated that the earlier selection process undertaken by the respondents pursuant to the Advertisement Notice of 2015, the same was deferred owing to various complaints and objections raised therein in the matter, whereupon a fresh Advertisement Notice was issued on 13.09.2023, which is impugned in the instant petition and that the petitioners in response to the said Advertisement Notice, applied along with other eligible candidates for the posts in question, whereafter a tentative selection list came to be drawn and

published, wherein the petitioners did not figure and that the petitioners now have challenged without any basis the said Advertisement Notice.

Heard learned counsel for the parties and perused the record.

4. Having regard to the aforesaid specific stand taken by the respondents in the objections that the petitioners before throwing challenge to the impugned Advertisement Notice dated 13.09.2023, responded to the same, sought their consideration for selection and appointment against posts in question and upon being not making the grade, turned around and questioned the said Advertisement Notice, in law, the petitioners could not turn around and questioned the impugned Advertisement Notice dated 13.09.2023, in that, law is settled in this regard that once a candidate consciously participates in a selection process undertaken by the selection authority, after having failed to get selected, cannot challenge the same.

5. In view of the aforesaid position obtaining in the matter, the instant petition is found to be without any merit and is, accordingly, ***dismissed*** along with connected application(s).

(Javed Iqbal Wani)
Judge

Jammu
30.04.2025
Javid Iqbal