

Supplementary List-1
Serial No. 124

IN THE HIGH COURT OF JAMMU & KASHMIR AND
LADAKH
AT JAMMU

WP(C) No. 3424/2025
CM No. 7784/2025

Date of pronouncement : **03.12.2025**
Uploaded on : **05.12.2025**

Mamta Bali

....Petitioner

Through:- Mr. Ajay Gandotra, Advocate

V/s

UT of J&K & Ors.

.....Respondents

Through:-

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGMENT (ORAL)

01. On the basis of her purported status that she was holding Economically Weaker Sections (EWS) status for the last good number of years, the petitioner had gone for renewal of her said category status by applying before the competent authority that being the Tehsildar, Bishnah who by virtue of an **order No. TB/OQ/2024-25/603 dated 08.01.2025** rejected said application of the petitioner for issuance of EWS Certificate against which the petitioner preferred statutory appeal **under section**

17 of the J&K Reservation Act, 2004 before the Deputy Commissioner, Jammu on **file No. DCJ/RDR/2024-25/305** which came to be against the petitioner in terms of an order dated **07.02.2025** wherefrom the petitioner further took the matter in 2nd appeal before the Divisional Commissioner, Jammu on **file No. RD0050000077347** which resulted in passing of an order dated **08.07.2025** whereby the Divisional Commissioner, Jammu set aside the order of the Tehsildar, Bishnah read with appellate order of the Deputy Commissioner, Jammu and remanded back the matter to the Tehsildar, Bishnah for reconsideration of the petitioner's application *de novo* by bearing in mind the observations made in the order dated **08.07.2025**.

- 02.** In furtherance of this direction of the Divisional Commissioner, Jammu, the petitioner had gone back to the Tehsildar, Bishnah with a reminder application dated **12.07.2025** which has come to suffer rejection in terms of the impugned **order No. TB/OQ/2025-26/427 dated 11.09.2025** against which the petitioner has come directly in the present

writ petition under Article 226 of the Constitution of India.

03. Mr. Ajay Gandotra, learned counsel for the petitioner argues that the impugned order passed by the Tehsildar, Bishnah is contrary to the mandate of the Divisional Commissioner, Jammu's order dated 08.07.2025 besides suffering from a legality of violation of rules of natural justice condemning the petitioner unheard.

04. Be that as it may, this Court is of the view that the writ petition may not be, in the present context of the case, a suitable remedy for the petitioner to pursue and that in case the Tehsildar, Bishnah has acted in contravention of the mandate of the Divisional Commissioner, Jammu in his order dated 08.07.2025 then the petitioner is well within her right to approach the Divisional Commissioner, Jammu being vested with the revisional jurisdiction **under section 18 of the J&K Reservation Act, 2004** keeping in view the fact that by remand order dated 08.07.2025, the orders of the Tehsildar, Bishnah as well as of the Deputy Commissioner, Jammu had merged in final order dated 08.07.2025 thereby constituting the Divisional Commissioner,

Jammu as an appellate authority vis-à-vis the two authorities below him by which reckoning Divisional Commissioner, Jammu would continue to be a revisional authority against the present impugned order as well if not as an appellate authority.

05. Therefore, the petitioner is allowed to withdraw this writ petition with a liberty granted to her to approach the Divisional Commissioner, Jammu with the revision petition within a period of ten (10) days from the date of passing of this order and upon filing of which revision petition, the Divisional Commissioner, Jammu shall endeavour to dispose of the revision petition within a period of next thirty (30) days keeping in view the fact that the time is of the essence in cases of such nature.

06. This writ petition is accordingly, ***disposed of***.

(RAHUL BHARTI)
JUDGE

JAMMU
03.12.2025
SUNIL

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