

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

SWP No. 3073/2017

Date of pronouncement: 07.11.2025

Date of uploading: 14.11.2025

Mohammad Yaseen, age 38 years,
S/o Bhadir Ali Sehmat,
R/o Village Gundi,
Tehsil Gool, Block Post
Office Gool, District Ramban.

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

Through: Mr. Vikas Magotra, Advocate.

vs

1. State of Jammu and Kashmir

..... Respondent(s)

Through Commissioner/Secretary to
Government, Rural Development
Department and Panchayati Raj, Jammu
and Kashmir Government, Civil
Secretariat, Srinagar/Jammu.

**2. Director Rural Development
Department, Jammu.**

**3. District Development Commissioner,
Ramban.**

**4. Assistant Commissioner Development,
Ramban.**

5. Block Development Officer, Gool.

Through: Mr. Ravinder Gupta, AAG.

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

1. In the instant petition, the petitioner has prayed for the following reliefs:-

(i) Allow this Writ petition of the petitioners:

(ii) By issuance of appropriate writ in the nature of Certiorari, quash and set aside, impugned advertisement notification No. 254-ACDR f 2017 dated 30-11-2017 issued by respondent No. 4 so far as the same advertises One post of Gram Rozgar Sevak (GRS) of Panchayat Gundi, Block Gundi-Dharan, Tehsil Gool and District Ramban;

(iii) By issuance of appropriate writ in the nature of Mandamus, command the respondents to consider the case of the petitioner and consequently appoint the petitioner against the vacant post of Gram Rozgar Sevak in Panchayat Gundi of block Gool, Tehsil Gool and District Ramban advertised by the respondents vide notification no. 05-DDCR/ACD/OF 2010 dated 30-04-2010 in terms of the guidelines governing the subject matter, issued by the respondents vide circular No. RD/MGNREGA/24/2006-2007 dated 24-10-2013, keeping in view the above narrated facts and circumstances of the cases and in the interest of the justice and as has been directed by this Hon'ble Court in SWP No. 2169/2017 titled Mohd. Yasheen V/s State of J&K and others vide Judgment dated 01-09.2017.

(iv) Pass such other appropriate order as facts of the case demand and Hon'ble Court may deem just and proper in favour of the petitioner.

2. The facts under the cover of which the aforesaid reliefs have been prayed and as are stated in the petition are that the petitioner belongs to a far-off Village Gundi of Tehsil Gool and District Ramban having passed his 10+2 examination in the year 2006 and that the respondent No. 4 issued an advertisement notice on 30.04.2010, inviting applications, from eligible candidates for engagement of supporting staff and additional staff under MGNREGA Scheme and one such post being of Gram Rozgar Sevak in Panchayat Gundi, Block Gool, District Ramban was also advertised with the requisite eligibility qualification as 10+2 and the petitioner, being possessed of the eligibility, applied in response to the said advertisement notice for the said post of Gram Rozgar Sevak, and consequently, after being subjected to the process of selection, was shown to be figuring in the waiting list at Serial No. 1, along with one selected candidate namely Akhter Hussain S/o Mohd. Sadiq and that after appointment pursuant to the said selection, the said Akhter Hussain expired while working, as such, on 25.05.2012 and the post in question fell vacant, as a consequence whereof, the petitioner approached the respondents for exhausting the waiting list drawn in the selection in question, wherein he figured at serial No. 1 in the said waiting list, under the terms of the Circular issued by respondent No.1 dated 24.10.2013 which, *inter alia*, provided that the select list in respect of the posts

advertised under MGNREGA Scheme shall remain in operation till the list is exhausted, as every selection under MGNREGA Scheme is time consuming and that the respondents did not consider the case of the petitioner even though in a similar case, pursuant to the direction passed in **SWP No. 3131/2014** titled “**Touseef Ahmed Beigh V. State and Ors.**” the respondents considered the claim of the petitioner therein and engaged him, however, the respondents did not accord such consideration to the case of the petitioner compelling him to file **SWP No. 2169/2017** titled “**Mohd. Yaseen V. State of J&K and Ors.**” before this Court which writ petition came to be disposed of on 01.09.2017 with a direction to the respondents to consider the claim of the petitioner as projected in the writ petition and also taken into account Circular dated 24.10.2013 as also the judgment and order passed in the similar case being **SWP No. 3131/2014**, and that on account of failure of the respondents to consider the case of the petitioner in terms of judgment and order dated 01.09.2017, a contempt petition came to be filed by the petitioner for seeking enforcement of the same, however, the respondent instead issued an advertisement notice readvertising the post in question which readvertisement came to be called in question by the petitioner in the instant petition, however, during the pendency of the petition while filing a response to the petition, the respondents pleaded that the claim of the of the petitioner stands rejected in terms of consideration order 09.10.2017 as a consequence whereof, the petitioner amended the writ petition and called in question the said consideration order in the instant petition.

Heard counsel for the parties and perused the record.

3. The grievance projected by the petitioner in the instant petition is that the respondents could not have rejected the claim of the petitioner for engagement against the post in question being a waiting list candidate drawn pursuant to the selection process undertaken in terms of advertisement notice 30.04.2010, more so in presence of the circular dated 24.10.2013, which provided for the operation of the selection list till its exhaustion.

4. Perusal of the record admittedly reveals that the circular dated 24.10.2013 provided for operation of the selection/waiting list till the exhausting of the same, yet it is also an admitted fact that the said circular came to be amended pursuant to circular dated 28.01.2017 which provided that the life of waiting list shall be one year.
5. Perusal of the record also reveals that the vacancy against which the petitioner has lodged his claim arose on 25.05.2017 i.e., that much after the issuance of the subsequent circular dated 28.01.2017, thus, on the said date, the said circular dated 28.01.2017 occupied the field and therefore, the petitioner could not lodge any claim against the said vacancy on the basis of circular dated 24.10.2013.
6. Under these circumstances, the claim of the petitioner cannot said to be entertainable by the respondents and the petitioner, as such, cannot be offered the appointment against the post in question on the basis of the repealed circular dated 24.10.2013.
7. For the aforesaid reasons, the writ petition is found to be without any merit and is, accordingly **dismissed**.

(Javed Iqbal Wani)
Judge

Jammu
07.11.2025
Sushant

Whether the order is reportable: Yes/No

Whether the order is speaking: Yes