

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

CM No. 1502/2022 in
LPA No. 49/2022

UT of J&K and Ors.

..... Appellant/petitioner(s)

Through: -
Mr. Waseem Gull, GA

V/s

Mushtaq Ahmad Bhat

..... Respondent(s)

Through: -
Mr. Hilal Ahmad Wani, Advocate

CORAM:

**HON'BLE MR JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE**

(ORDER)
30.05.2025

CM No. 1502/2022

The appeal filed by Union Territory of J&K and three others against the order and Judgment dated 11.08.2017, passed by the learned Single Judge of this Court in SWP No. 1726/2013, is delayed by 1621 days and, therefore, the instant application, seeking condonation of delay. Though there is huge unexplained delay, yet in view of concession given by learned counsel for the respondent, we are inclined to condone the delay and take up the LPA for consideration. Ordered, accordingly.

CM disposed of.

LPA No. 49/2022

01. With the consent of learned counsel for the parties, the appeal is admitted and taken up for final consideration.

02. The only question involved in this appeal is whether the subject “Geography” falls under the faculty of science and if the answer to this question is yes, then the respondent, who was 10+2 with Geography was eligible to participate in the selection process for the post of ReT in the newly upgraded Middle School, Khandaypor Dandipora, notified vide advertisement notice dated 7th August, 2012.

03. The writ Court has examined this question at length and relying upon the earlier Judgment of Division Bench of this Court dated 23.03.2015 passed in LPA No. 200/2013 titled *Parveen Ahad Bhat Vs. State of JK and Ors.*, and also the Syllabi and Courses of the Study for Class XII, published by the J&K State Board of School Education (Academic Division) in November, 2010, has concluded that the subject “Geography” unequivocally falls under the “faculty of science”. It may be noted that before the Division Bench, which decided the case of Parveen Ahad Bhat, an opinion of the Committee that Geography, Geology and Zoology in the broader spectrum come under the purview of science stream was also taken note of. In view of Division Bench Judgment in the case of Parveen Ahad Bhat, the opinion of the experts as also the Syllabi and courses of the Study of State Board of School Education, clearly holding that the subject “Geography” falls under the “faculty of science”, the respondent, who was possessing the aforesaid qualification, cannot be said to be ineligible for the post.

04. There is no dispute with regard to the fact that respondent was most meritorious candidate, but was denied the appointment on the ground that he was not a candidate holding qualification in science stream.

05. For the foregoing reasons, we find no legal infirmity or error on fact or law in the Judgment passed by the writ Court. This Appeal, is thus found devoid of any merit and the same is, accordingly, **dismissed**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR
30.05.2025
“Mohammad Yasin Dar”

