

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

*Reserved on: 09.10.2025*

*Pronounced on: 15.10.2025*

*Uploaded on: 15.10.2025*

*Whether the operative part or full  
judgment is pronounced: **Full***

**CJ Court**

**WP(C) No.805/2023**

IRFAN RASHID DAR & ORS.

**...Petitioner(S)/Appellant(s)**

*Through: - Mr. T. A. Lone, Advocate.*

Vs.

UT OF J&K AND OTHERS.

**...RESPONDENT(S)**

*Through: - Ms. Maha Majeed, Assisting counsel, vice  
Mr. Mohsin Qadiri, Sr. AAG.*

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

**JUDGMENT**

**OSWAL 'J'**

1) The petitioners in response to advertisement notification bearing No.Pers-A-aux-Police-03-11/40355-474 dated 24.08.2012 issued by the respondent No.1, submitted their applications for recruitment as Constables in Jammu and Kashmir State Disaster Response Force (for short referred to as 'SDRF') Battalions. After deposit of Rs.200/ each, the petitioners participated in the Physical Standard Test (PST) and Physical Efficiency Test (PET), conducted

after six years of issuance of notification. Thereafter, the select list dated 09.02.2019 was published by the respondent No.1 on its official website. As the petitioners were not selected, 52 unsuccessful candidates including the 14 petitioners herein filed a writ petition bearing SWP No.392/2019 for assailing the select list dated 09.02.2019 issued by the respondent No.2 and also sought a direction upon the official respondents to desist and refrain from acting upon the final select list dated 09.02.2019. Further relief for directing the official respondents to consider the case of the petitioners for selection against the aforementioned advertised posts of Constables in SDRF J&K, was also sought.

2) Challenge was thrown to the select list dated 09.02.2019 on the grounds, *inter-alia*, that in the advertisement notification dated 24.08.2012, the number of vacancies were not disclosed and the notification bearing No.1495 of 2017 dated 27.04.2017 did not come to the fore till the issuance of final select list dated 09.02.2019 and it was done with the sole objective to exclude the meritorious candidates including the petitioners; that in case of most of the petitioners, their height/size of chest has been shown lesser than the real height/chest size which has ultimately led to loss of essential points leading to their non-selection;

that the petitioners were verbally promised by the official respondents that the department was intending to select 850 candidates from Kashmir province and similar number of candidates from the Jammu province as well but the official respondents concealed the number of posts till the issuance of final select list.

3) The writ petition came to be objected by the official respondents by stating therein that the applications in terms of advertisement notice 24.08.2012 were invited from the male candidates only, who were the permanent residents of erstwhile State of Jammu and Kashmir, for recruitment as Constables in J&K SDRF Battalion. The terms and conditions of the eligibility as well as the criteria to be adopted for selection were mentioned in detail in the said advertisement notice. It was further stated that the notification in respect of total number of available posts and their further category-wise distribution in respect of each District was issued by the PHQ J&K vide order No.1425 of 2017 dated 27.04.2017. In the same order, the Recruitment Board was constituted for conducting process of recruitment. As the Recruitment Board had decided to conduct the recruitment through Transparent Recruitment Process (TRP) with the assistance of third party, as such, the candidates were directed to deposit Rs.200/ as fee for

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conducting the recruitment through TRP and during the process of Physical Endurance/Standard test, the PHQ order No.1425 of 2017 dated 27.04.2017 in respect of availability of posts category-wise was again uploaded on the official website of the J&K Police in the year 2018 for the information of general public. It was also stated that the recruitment was made for the vacant posts of Constables in SDRF 1<sup>st</sup> and 2<sup>nd</sup> Battalions stationed at Srinagar and Jammu respectively. The measurement of Physical Standard of the candidates was got executed through M/S Timing Technologies India Pvt. Ltd and during the process, digital methods for physical measurement of the candidates were put into use and after their measurements, the candidates including the petitioners authenticated their recorded height/chest measurement by appending their signatures on their respective computer generated record sheets on spot. None of the petitioners ever complained or appeared before the Recruitment Board with any such complaint/grievance with regard to any such discrepancy in their recorded height/chest measurement. The candidates were awarded marks strictly as per the criteria laid down in the advertisement notice. The official respondents have denied that any promise was made regarding selection of 850 candidates each from Jammu and Kashmir provinces. It was

also stated that in some Districts, suitable candidates belonging to certain reserved categories were not available, as such, in terms of Section 5 of the J&K Reservation Act, 2004, such reserved category posts remained unfilled.

4) A rejoinder affidavit was filed by some of the petitioners stating therein that notification dated 27.04.2017 was not published in any local newspaper. It was further stated that in the information obtained under Right to Information Act, it was stated that a Battalion of SDRF Constables comprised of 258 numbers of Constables each for Jammu and Kashmir Division, therefore, the respondents were required to advertise 516 posts for SDRF Constables but the respondents notified only 355 posts of SDRF Constables in terms of order dated 27.04.2017.

5) The writ petition was subsequently transferred to the Central Administrative Tribunal, Srinagar (for short “the Tribunal”) and was re-numbered as T.A. No.5094 of 2020. The Tribunal after hearing the parties, disagreed with the contentions of the petitioners and dismissed the T.A. in terms of order dated 28.02.2023.

6) After facing dismissal of the T.A, only 14 petitioners out of original 52 applicants, have filed this petition thereby assailing the order passed by the Tribunal and for grant of

reliefs as sought in the T. A on the grounds that the learned Tribunal has not rightly appreciated the controversy and, as such, has passed the order impugned contrary to law and facts of the case. Besides, the grounds as urged in the TA have also been reiterated in this petition as well.

7) The grounds urged in this writ petition have met with the similar response from the official respondents, as was before the learned Tribunal. However, in response to the contention of the petitioners with regard to advertisement of 516 posts of SDRF Constables, instead of 355 posts, it has been stated that the posts are filled as per the vacancies available at the relevant point of time and not as per the sanctioned strength of a Battalion.

8) Mr. T. A. Lone, learned counsel for the petitioners has reiterated the submissions as noted above and has further argued that the official respondents be directed to consider the claim of the petitioners for appointment as Constables in SDRF.

9) *Per contra*, Ms. Maha Majeed, learned Assisting Counsel, has argued that the learned Tribunal has rightly passed the impugned order and further that after having participated in the selection process, the petitioners cannot assail the same by asserting that number of posts was not

mentioned in the initial advertisement notification. She has laid much stress that the number of posts category-wise was notified through the medium of order dated 27.04.2017 and this order was again uploaded on the official website of the Police Department in the year 2018 during the process of PET/PST.

**10)** Heard and perused the record.

**11)** The first contention raised by the petitioners is that number of vacancies was not mentioned in the advertisement notification dated 24.08.2012 and the subsequent notification dated 27.04.2017 was not published in the local newspapers and further the respondent-Police Department had promised that 850 each posts of Constables of SDRF would be filled up in Jammu and Kashmir provinces.

**12)** The official respondents in their response have categorically stated that in terms of notification dated 27.04.2017 number of category-wise posts was notified and through the same notification, the Recruitment Board was also constituted. Interestingly, in para (1) of the rejoinder affidavit filed by some of the petitioners, it is stated that notification dated 27.04.2017 was not notified and made public whereas in para (7) of the rejoinder affidavit, it has

been stated that *the respondents after notifying in the advertisement notification dated 24.08.2012 that the number of SDRF Constable posts were to be advertised for 02 Battalions each for Jammu and Kashmir, however, instead of advertising 516 posts of SDRF Constables, the respondents notified 355 posts of SDRF Constables in terms of order bearing No.1495 of 2017 dated 27.04.2017.* The petitioners, in fact, just for filing the petition and to take chance had made these averments in their petition. If they were in fact aggrieved of non-disclosure of number of posts, they could have challenged the notification dated 24.08.2012 when the same was issued, which they did not. Rather when the number of posts was notified through the medium of notification dated 27.04.2017, which was again uploaded on the official website of the Police Department in the year 2018 and the selection process was concluded in respect of 355 posts notified in terms of notification dated 27.04.2017, they came up with the original writ petition which was subsequently transferred to the Tribunal with the contentions mentioned above. The petitioners would have never approached this court had they found their names figuring in the select list. The petitioners after having participated in the selection process without any demur, after remaining unsuccessful in the selection process,

cannot challenge the selection of successful candidates. The official respondents have also denied the assertion of the petitioners that no promise for recruitment of 850 candidates each for Jammu and Kashmir province was made with the petitioners. Otherwise also, the recruitments are not to be made in respect of posts on the verbal promise of any department, even if any such promise is made. The contentions raised by the petitioners in this regard cannot be entertained after the petitioners have participated in the selection process, more particularly, when their stand is belied by the official respondents.

**13)** Next it was contended that there were discrepancies in recording the measurement of height/chest of the petitioners by the official respondents. The official respondents in their response have categorically stated that the measurement of physical standard of candidates was got executed through digital methods and after taking printouts of the measurements of height/chest of the candidates, the same were signed by the respective candidates. The petitioners have not been able to falsify the positive stand of the official respondents and this ground too has been raised only for the purpose of raising an issue without any foundation, as such, this contention is also not sustainable in law.

**14)** Lastly, it was contended that as per the information obtained under Right to Information Act, 516 number of posts were required to be advertised but instead of doing so, the respondents notified only 355 posts of SDRF Constables. This contention too cannot form a basis either for quashing the select list or for directing the official respondents to appoint the petitioners as it is the sole prerogative of the employer to fill up a particular number of vacancies as per the requirement of the department and a candidate cannot dictate the employer to fill all the vacancies. Otherwise also, in the response filed by the official respondents, it is stated that the posts are to be filled up on the basis of vacancies available at the relevant point of time.

**15)** The learned Tribunal has passed the order impugned in accordance with law and there is hardly any reason for us to interfere with the same. The writ petition is found to be misconceived and is dismissed accordingly along with connected CM(s).

**(RAJNESH OSWAL)**  
**JUDGE**

**(ARUN PALLI)**  
**CHIEF JUSTICE**

**Srinagar**  
**15.10.2025**  
“Bhat Altaj”

|                                            |            |
|--------------------------------------------|------------|
| Whether the <b>Judgment</b> is speaking:   | <b>Yes</b> |
| Whether the <b>judgment</b> is reportable: | <b>No</b>  |