

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

LPA 93/2024

Date of Pronouncement: 08.12.2025

Uploaded on: 09.12.2025

1. JAMMU & KASHMIR STATE
SPORTS COUNCIL THROUGH ITS
SECRETARY BAKSHI STADIUM,
SRINAGAR;

2. UNION TERRITORY OF J&K
THROUGH SECRETARY TO
GOVERNMENT, YOUTH SERVICES
& SPORTS, CIVIL SECRETARIAT,
JAMMU/SRINAGAR;

... Appellant(s)

Through: Mr. Zahid Qais Noor, GA with
Mr. Mohd Younis Hafiz, AC
Vs.

1. RAVINDER SINGH
S/O GUBAKSH SINGH
R/O DEVAR, TRAL, PULWAMA;
2. VIJAY SINGH
S/O KARNAIL SINGH
R/O KUSHALPUR, RS PORA, JAMMU;

...Respondent(s)

Through: Mr. Tasaduq H. Khawja, Sr. Adv. with
Mr. Naseer-ul-Akbar, Advocate

CORAM:

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

JUDGMENT

08.12.2025

Per Sanjeev Kumar-J (oral):

1. Impugned in this intra-court appeal filed by the UT of J&K is an order and judgment dated 5th June, 2023 passed by the learned Single Judge of this Court ["the writ Court"] in SWP No. 1015/2015 titled "*Ravinder Singh Vs. J&K State Sports Council & Ors*", whereby the writ court has allowed the writ petition filed by the respondent No. 1 herein and directed the appellants herein to offer him appointment against the post of Driver with all

consequential benefits to which he would be entitled thereto on the analogy of respondent No. 2.

2. Learned appearing counsel for the appellants at the outset fairly submitted that, in compliance with the judgment dated 5th June, 2023, respondent No. 1 has already been appointed as Driver.
3. In view of the aforesaid position, this appeal has been virtually rendered infructuous.
4. We have gone through the impugned judgment passed by the writ Court and are of the considered opinion that the judgment is legally perfect and, therefore, does not call for any interference by us.
5. Indisputably, in terms of Advertisement Notification dated 22th August, 2013, two posts of Driver-II were notified for selection by the Jammu & Kashmir Sports Council, to which the respondents 1 & 2 submitted their candidature. In the selection process that was conducted by the appellants, respondent No. 1, with eight (8) merit points, was the most meritorious candidate, followed by respondent No. 2, who was awarded seven (7) merit points in the selection.
6. Interestingly, the appellants acted upon the selection of respondent No. 2 and offered him an appointment as Driver Grade-II on the ground that he had been serving in the Department for several years as a Daily Wager and performing the duties of a Driver. The selection *viz-a-viz* the post notified for Kashmir Division was kept in abeyance, thus, denying the appointment to respondent No. 1. It was in these circumstances, the respondent No. 1 filed SWP No. 1015/2015, seeking *inter-alia*, a mandamus to the appellants to

appoint him as Driver, being the most meritorious candidate emerged in the selection process.

7. The writ petition was resisted by the appellants herein on the ground that the respondent No. 1 was not offered appointment as Driver for Kashmir Division due to certain subsequent changes in the selection procedure and the authority who was to make such selections in the Jammu & Kashmir Sports Council. The writ Court, having considered the rival contentions, found no justification in the stand taken by the appellants.
8. In their reply affidavit, the appellants admitted that the respondent No. 1 was more meritorious than the respondent No. 2 and could not have been ignored or denied the appointment without doing violence to Article 14 of the Constitution of India. The plea of the appellants that it is in their discretion to fill up or not fill up a post was also not accepted by the writ Court by holding that such discretion, if at all vested in the appellants, cannot be exercised arbitrarily. Relying upon a couple of judgments of the Hon'ble Supreme Court, the writ Court came to the conclusion that though a person selected against a post has no vested right to be appointed but such appointment cannot be denied without any justification or good cause. The writ Court found that there was no good ground or justification to keep the post vacant and not fill up the same by appointing the most meritorious candidate in the selection process i.e. respondent No. 1, more particularly when a candidate with lesser merit had already appointed in the Jammu Division. The view taken by the writ Court is correct and unexceptionable, and

we see no reason or justification to take a view contrary to the one taken by the writ Court.

9. For the forging reasons, we find no merit in this appeal, and the same is accordingly **dismissed**. Having regard to the frivolity of the defence taken by the appellants before the writ Court and their unnecessarily filing of Letters Patent Appeal before us, we are of the view that ends of justice would be served if we impose some exemplary costs upon the appellants to be paid to the respondent No. 1. The costs are quantified at Rs. 10,000/- inclusive the costs which are already ordered vide order dated 22nd September, 2025.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

08.12.2025

"ARIF

- (i) Whether the order is speaking? Yes/No
(ii) Whether the order is reportable? Yes/No

