

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

WP(C) No. 1286/2023

Union of India & Ors.

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

Through: Mr. Nazir Ahmad Bhat, CGSC

Vs.

Showkat Hussain Malik

...Respondent(s)

Through: None

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

ORDER
26.11.2025

1. Impugned in this petition filed by the Union of India along with three others is an order and judgment dated 22.11.2022, passed by the Central Administrative Tribunal Srinagar Bench [“the Tribunal”] in TA No. 1150/2020 titled as “*Showkat Hussain Malik Vs. Union of India & Ors.,*” whereby the Tribunal has allowed the petition of the respondent and has quashed order No. STD/38-427/GDS/2015 dated 3rd of April 2018 and directed the petitioners herein to take on record the 10th Class certificate issued by the Competent Board i.e Banga Punjab. There is a further direction to the petitioners to appoint the respondent on compassionate grounds within a period of two months.
2. Before we advert to the grounds of the challenge urged by Mr. Nazir Ahmad Bhat, learned CGSC appearing for the petitioners, it is appropriate to briefly refer to the facts as are relevant to the disposal of this petition.

3. The father of the respondent who was serving with the petitioners died in harness on 5th of October 2014. On the demise of his father, the respondent herein was offered the compassionate appointment for a period of 180 days vide order dated 16th of October 2014 subject to verification of his certificates.
4. The case of the respondent was processed for compassionate appointment but same was rejected by the petitioners vide order dated 3rd of April 2018 on the ground that the 10th class certificate submitted by the respondent herein was not found genuine.
5. Feeling aggrieved, the respondent herein filed a petition before this Court which on transfer to the Tribunal was registered as TA No. 1150/2020. The petition filed before the Tribunal by the respondent was contested by the petitioners herein on the ground that the qualification certificate of 10th pass submitted by the respondent was found to be fake, and, therefore, he was not offered the compassionate appointment.
6. The Tribunal having heard both sides and considered the material available on record came to the conclusion that 10th Class certificate issued by Board of Higher Secondary Education, Delhi located in Banga Punjab was on verification found genuine. On returning this finding, the Tribunal passed the directions as are contained in the impugned judgment.
7. Having heard the learned counsel for the parties and perused the material available on the record, we are of the considered opinion that the only issue that was required to be determined by the Tribunal was as to whether the 10th pass qualification certificate submitted by the

respondent herein was issued by a recognized Board of School Education. It is true that when the 10th pass certificate produced by the respondent before the petitioners was sent to the Board of Higher Secondary Education, Delhi for verification during the pendency of the petition before the Tribunal, a report was received from the latter that it was available in the record. What the Tribunal has not found out is whether the Board of Higher Secondary Education, Delhi which is purportedly located in Banga Punjab is a recognized Board of School Education authorized to impart School Education.

8. From reading of 10th pass certificate produced by the respondent, it clearly transpires that the Board of Higher Secondary Education, Delhi has issued this certificate of 10th Class stating it to be a Higher Secondary Examination, whereas 10th Class examination is a School Education Examination and Higher Secondary Examination denotes 10+2 examination. Besides, the petitioners have placed on record the list of recognized Boards which are authorized by the Government to be conducted Secondary School examinations which list *prima facie* does not contain the name of Board of Higher Secondary Education, Delhi located at Banga Punjab.
9. The Tribunal has also not taken note of the fact that even in an earlier verification undertaken in the year 2017, the same Board had intimated that the New Era Academy, Qazigund from where the respondent claims to have pursued his 10+2 qualification was not affiliated with the Board.
10. Without determining the real question, the Tribunal has hurriedly disposed of the petition holding the 10th pass certificate

produced by the respondent herein as genuine.

11. Despite pre and post admission notice, the respondent has chosen not to appear before the Court. This clearly shows that respondent has no effective defence to offer and has decided to abandon this petition.

12. Be that as it may, having gone through the facts and circumstances explained above, we find merit in this petition and the same is accordingly allowed and the order passed by the Tribunal is set aside. The matter is remanded back to the Tribunal to consider the entire issue afresh in the light of material on record after providing adequate opportunity of hearing to both the sides.

13. On receipt of this order, the Tribunal shall issue fresh notice to both the sides and proceed to dispose of the matter in accordance with law.

14. *Disposed of.*

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:
26.11.2025
“S. Nuzhat”