

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

CCP(S) 332/2023 in
[WP(C) 553/2020]

SAMI AHMAD

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

Through: Mr. Bhat Fayaz, Advocate

Vs.

NEELOFAR KHAN AND ANR.

...Respondent(s)

Through: Mr. S. F. Qadiri, Sr. Advocate

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE

ORDER

30.07.2025

While disposing of the writ petition – WP(C) no.553/2020, this Court issued following directions:

“... In view of above, the writ petition is allowed and the respondent-University is directed to accord consideration to the case of the petitioner seeking his regularization against the post of “Lab. Technician” subject to the condition that the said post exists on the establishment of the University; is available to be filled up and falls within the contours of the Division Bench Judgment supra. The consideration order shall be made and decision taken thereon within a period of two months from the date copy of the Judgment is served upon respondents.”

What was directed in terms of the aforesaid order was to accord consideration to the case of petitioner for regularization against the post of Lab. Technician, subject to the conditions that the post exists in the establishment of the University and is available and to be filled up within the contours of the Division Bench judgement.

Complaining that the Judgment has not been complied with and petitioner's services have not been regularised, this petition came to be filed seeking initiation of contempt proceedings against the respondents.

Admitted fact is that petitioner is a Commerce Graduate and does not hold the Decree of B. Sc.

The statement of facts/ compliance report has been filed along with consideration order, which reads as under:

“...Order No. F(Court-Case) GA/KU/25

Dated: 05, March, 2025

Whereas, Mr. Sami Ahmad filed a Writ petition tiled Sami Ahmad v/s University of Kashmir & Ors. before the Hon’ble Court of Jammu & Kashmir and Ladakh, wherein the petition is aggrieved of the order No. F(Regularization/cont/GA/KU/2017 dated 16.06.2017 issued by the Assistant Registrar, General Administration to the extent it regularizes the petitioner as “Helper” instead of “lab-Technician”.

Whereas, the Hon’ble High Court passed judgment dated 10.04.2023 in the above titled writ petition, the operative part reads as under:

“The writ petition is allowed and the respondent-University is directed to accord consideration to the case of the petitioner seeking his regularization against the post of “Lab. Technician” subject to the condition that the said post exists on the establishment of the University; is available to be filled up and falls within the contours of the Division Bench Judgment supra. The consideration order shall be made and decision taken thereon within a period of two months from the date copy of the Judgment is served upon respondents.”

Whereas, Mr. Sami Ahmad was initially engaged on contractual basis in the Deptt. Of Pharmaceutical Science against the Budget Head “Payment Seats Share of Department”, which shall not entitled him for regularization against any substantive post/position of the University. The authorities taking a sympathetic view have regularized him as Helper.

Whereas, five (05) posts of Laboratory Technician had been sanctioned in the University of the Kashmir and all 05 posts are filled as on 22.05.2013 and as such, no post of Laboratory Technician is lying vacant in the Schedule of Establishment of the University.

Whereas, as per Recruitment Rules, the essential qualification for the post of Laboratory Technician in the University is Bachelor’s Degree in Science (B. Sc).

Whereas, the qualification of Mr. Sami Ahmad is Bachelor’s of Arts and 02 year training course in the trade of Electrician and

Whereas, Mr. Sami Ahmad is not fulfilling the eligibility criteria for the said post.

Whereas, the Petitioner is discharging his duties as Helper since-2017 and not as laboratory Technician in the Registration Section of the University.

Now therefore, the claim of the petitioner is considered in view of the factual mentioned herein above, is devoid of any merit and thus not maintainable.

Assistant Registrar
General Administration”.

The order makes it clear that the claim of the petitioner was considered but found without any merit and, as such, rejected. What was to be done by

the respondents in terms of the Judgement was to consider the case of the petitioner seeking regularization against the post of Lab. Technician, subject to conditions: (i) that the post of Lab. Technician existed on the establishment of the University; (ii) the post was available to be filled up; and (iii) the same was to be filled within the contours of the Division Bench Judgment.

So far as the post lying vacant is concerned, the respondents submit that there are five posts of Lab. Technicians in the University and all of them have been filled on 22.05.2013. Therefore, the post of Lab. Technician is not lying vacant and that the Recruitment Rules provide the essential qualification for the Post of Lab. Technician in the University as Bachelors of Science, whereas the qualification of the petitioner is Bachelors of Commerce and the training course in the Trade of Electrician. So, consideration order makes it clear that case was considered and rejected, because the post was not lying vacant on the establishment of University and petitioner was not having the requisite qualification as is required under Recruitment Rules for being appointed and regularized as Lab. Technician. The qualification required is Bachelors of Science and not Bachelors of Arts.

Since the case of petitioner has been considered in compliance of the directions of this Court, therefore, proceedings are **dropped** and petition is **closed**.

However, petitioner, if still feeling aggrieved of the order of consideration, he is at liberty to challenge the same by availing the appropriate remedy as may be available to him under law.

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR
30.07.2025
"Imtiyaz"