

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

**WP(C) 2388/2023
c/w WP(C) 3066/2023**

**Date of Pronouncement: 21.11.2025
Uploaded On: 24.11.2025**

(i) WP(C) No. 2388/2023:-

- 1. Mudasir Qadir
S/O: Ghulam Qadir Dar
R/O: Bandipora, Chadoora Budgam**
- 2. Imtiyaz Ahmad Lone
S/O: Mohammad Amin Lone
R/O: Nowpora, Doru Shahbad,
Anantnag.**
- 3. Kawser Shafi Bhat
S/O: Mohammad Shafi Bhat
R/O: Bhat Mohalla, Khanoo Babagund,
Langate, Kupwara.**
- 4. Aamir Hamid Rather
S/O: Ab. Hamid Rather
R/O: Chakoora Pulwama.**
- 5. Mohd Yaseen Wani
S/O: Ab Majeed Wani
R/O: Manzhama, Keegam, Shopian.**
- 6. Abid Hussain Dar
S/O: Mohammad Shaban Dar
R/O: Manzbugh, Sopore Baramulla**
- 7. Muzamil Qadir
S/O: Ghulam Qadir Dar
R/O: Bandipora, Chadoora Budgam**
- 8. Neetan Kumar Sharma
S/O: Yog Raj Sharma
R/O: Kangri, chok, Banyard,
Beripattan, Rajouri.**
- 9. Goutam Paul
S/O: Tara Chand**

R/O: Dewal Kathua.

...Petitioner(s)

Through: Mr. Raja Jaffer Nazir, Advocate

Vs.

**1. Union Territory of J&K through
Commissioner/Secretary to
Government, Agriculture Department,
Civil Sect. Srinagar/Jammu.**

**2. Director, Horticulture Department
Kashmir, Srinagar.**

**3. Chairman J&K Service Selection
Board (SSB) Jammu/Srinagar.**

**4. Secretary J&K Service Selection
Board (SSB) Jammu/Srinagar.**

**5. Khursheed Ahmad Mir
S/O: Abdullah Mir
R/O: Thadipora, Kupwara**

**6. Mushtaq Ahmad Wani
S/O: Ghulam Ahmad Wani
R/O: Azad Mohalla, Badbugh, Kupwara.**

**7. Tanveer Ahmad Bhat
S/O: Sonaullah Bhat
R/O: Magam Handwara, Kupwara.**

**8. Sayed Ahmad Bhat
S/O: Ab. Gani Bhat
R/O: Guhsi Kupwara**

**9. Shahid Bashir
S/O: Bashir Ahmad Wani
R/O: Khull Noorabad D.H. Pora, Kulgam**

**10. Kafil-u-Rehman
S/O: Bashir Ahmad Dar
R/O: Chiglapora DH Pora.**

**11. Jehangir Bilal Ahamd Bhat
S/O: Mohammad Akram Bhat
R/O: Hanjoora Chadoora, Budgam.**

12. Kaisar Hashim Khan

S/O: Mohammad Hashim Khan
R/O: Sogam Chadoora, Budgam

13. Hilal Ahmad Dar
S/O: Abdul Rashid Dar
R/O: Rakh Charari Sharief, Budgam.

...Respondent(s)

Through: Mr. Waseem Gul, GA with
Mr. Mohammad Younis Hafiz, Assisting Counsel
Mr. Faheem Nisar Shah, GA
Mr. Bhat Fayaz, Advocate with
Ms. Nighat Amin, Advocate

(ii) WP(C) 3066/2023:-

1. Gousia Jan
D/O: Gul Mohammad Ahanger
R/O: Manzgum, Kulgam Tehsil,
D.H.Pora

2. Malik Khalid Hashim
S/O: Mohammad Hashim Malik
R/O: Balpora Shopian

3. Irfan Ahmad Yatoo
S/O: Abdul Majeed Yatoo
R/O: Wasoora, Pulwama

4. Gousia Najar
D/O: Nazir Ahmad Ahanger
R/O: Chatti Bandy, Bandipora

5. Ayaz Ahmad Bhat
S/O: Mohammad Shafi Bhat
R/O: Shahoo Sachan Kulgam.

...Petitioner(s)

Through: Mr. Saqib Amin Parray, Advocate &
Ms. Mehjabeen Bhat, Advocate

Vs.

1. Union Territory of J&K through
Commissioner/Secretary to
Government, Agriculture Department,
Civil Sect. Srinagar/Jammu.

2. Director, Horticulture Department

Kashmir, Srinagar.

3. Chairman J&K Service Selection Board (SSB) Jammu/Srinagar.

4. Secretary J&K Service Selection Board (SSB) Jammu/Srinagar.

**5. Khursheed Ahmad Mir
S/O: Abdullah Mir
R/O: Thadipora, Kupwara**

**6. Mushtaq Ahmad Wani
S/O: Ghulam Ahmad Wani
R/O: Azad Mohalla, Badbugh, Kupwara.**

**7. Tanveer Ahmad Bhat
S/O: Sonaullah Bhat
R/O: Magam Handwara, Kupwara.**

**8. Sayed Ahmad Bhat
S/O: Ab. Gani Bhat
R/O: Guhsi Kupwara**

**9. Shahid Bashir
S/O: Bashir Ahmad Wani
R/O: Khull Noorabad D.H. Pora, Kulgam**

**10. Kafil-u-Rehman
S/O: Bashir Ahmad Dar
R/O: Chiglapora DH Pora.**

**11. Jehangir Bilal Ahamd Bhat
S/O: Mohammad Akram Bhat
R/O: Hanjoora Chadoora, Budgam.**

**12. Kaiser Hashim Khan
S/O: Mohammad Hashim Khan
R/O: Sogam Chadoora, Budgam**

**13. Hilal Ahmad Dar
S/O: Abdul Rashid Dar
R/O: Rakh Charari Sharief, Budgam.**

...Respondent(s)

Through: Mr. Waseem Gul, GA with
Mr. Mohammad Younis Hafiz, Assisting Counsel
Mr. Faheem Nisar Shah, GA
Mr. Bhat Fayaz, Advocate with
Ms. Nighat Amin, Advocate

CORAM:

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

JUDGMENT (ORAL)

1. Learned counsel appearing for the parties have brought to our notice that a Special Leave Petition (SLP) against an order dated 21st August, 2025 passed in RP 27/2024 and RP 31/2024 is pending adjudication before the Hon'ble Supreme Court and, therefore, the consideration of the matter deserves to be deferred.

2. Mr. Saqib Amin Parray, learned counsel appearing for the petitioners in WP(C) No. 3066/2023, however, submits that since no relief has been granted by the Central Administrative Tribunal, Srinagar Bench ["the Tribunal"] in terms of the judgment in favour of the respondents and against the petitioners in respect of selection process initiated in terms of Advertisement Notification No. 05 of 2021 dated 22nd September, 2021, as such, no useful purpose would be served by restraining the J&K Service Selection Board from concluding the selection process.

3. Before we advert to the submissions made by Mr. Saqib Amin Parray, learned counsel appearing for the petitioners, a quick look at the factual antecedents leading to the filing of the Special Leave Petition (SLP) before the Hon'ble Supreme Court would be worthwhile.

4. OA No. 1550/2021 was filed by the private respondents herein. In the said OA, the applicants were seeking, *inter alia*, a writ of certiorari quashing the Advertisement Notification No. 05 of 2021 dated 22nd September, 2021 in respect of posts of the Horticulture Technician-IV for District Budgam, District Kulgam & District Kupwara. The applicants before the Tribunal also sought a direction to appoint them against the posts which stood notified in terms of notification dated 22nd September, 2021.

5. The OA was contested by the official respondents. The candidates who had participated in the selection process initiated in terms of Advertisement Notification No. 05 of 2021 and stood provisionally selected were, however, not arrayed as party respondents.

6. Be that as it may, the OA filed by the private respondents herein after hearing the parties was disposed of by the Tribunal vide its order and judgment dated 1st August, 2023 by granting the following reliefs to the private respondents herein:-

- (i) The J&K Service Selection Board was directed to accept the diploma qualification of the private respondents (“the applicants”) before the Tribunal.
- (ii) The J&K Service Selection Board was further directed to complete the selection process of the private respondents herein for the posts in question in respect of Advertisement Notification No. 01 of

2016 and offer them appointment. It was further directed that if there were no posts available to be offered to the private respondents herein, the concerned Department shall create supernumerary posts to accommodate them.

7. Although the Tribunal did not quash the Advertisement Notification No. 05 of 2021 nor did it quash the provisional selection made, yet the petitioners herein approached this Court by way of WP(C) No. 3066/2021. Some other similarly situated candidates also filed WP(C) No. 2388/2023 to throw challenge to the order and judgment of the Tribunal dated 1st August, 2023. Both these writ petitions were disposed of by a Division Bench of this Court vide order and judgment dated 15th May, 2024. The disposal of the writ petitions was seemingly with the consent of the appearing parties.

8. In terms of order dated 15th May, 2024, Paragraphs No. '7.1' and '7.2' of the impugned order passed by the Tribunal was quashed. It needs to be notified that in terms of Paragraph No. '7.1', the Tribunal had stayed the selection process for recruiting the Horticulture Technicians-IV in pursuance of Advertisement Notification No. 05 of 2021 dated 22nd September, 2021 and Paragraph No. '7.2' had provided that in case a final selection had been made, the appointment orders would not be issued.

9. The Paragraph No. '7.3' of the judgment passed by the Tribunal, however, was maintained and the J&K Service

Selection Board was directed to conclude the selection process within a period of eight weeks, more particularly with respect to the Advertisement Notification No. 05 of 2021. Admittedly, the private respondents are not aggrieved by the order dated 15th May, 2024, rather they want that order to be maintained and implemented by the official respondents.

10. It seems that the order dated 15th May, 2024 was construed by the petitioners herein as adverse to their interests and, accordingly, the writ petitioners in WP(C) No. 3066/2023 as also the J&K Service Selection Board filed two separate review petitions seeking recall of the aforesaid order. These two review petitions i.e., RP No. 27/2024 and RP No. 31/2024 were allowed by this Court vide order dated 26th September, 2024 and the order dated 15th May, 2024 was recalled and both the writ petitions came to be restored for reconsideration.

11. Feeling aggrieved of the aforesaid order, the private respondents herein represented by Mr. Bhat Fayaz, Advocate filed two separate review petitions i.e., RP No. 70/2024 & RP No. 73/2024 seeking recall of the order dated 26th September, 2024. These review petitions too were allowed in terms of order dated 16th May, 2025 and order passed in RP No. 27/2024 and RP No. 31/2024 dated 26th September, 2024 was recalled and review petitions were restored for reconsideration. These review petitions were again taken up for consideration in presence of the private respondents herein

and the J&K Service Selection Board. This Court allowed both these review petitions once again vide order dated 21st August, 2025. Consequently, the writ petitions bearing WP(C) No. 2388/2023 and WP(C) No. 3066/2023 were revived for fresh consideration. Against the order dated 21st August, 2025 the private respondents herein have approached the Hon'ble Supreme Court by way of a Special Leave Petition (SLP).

12. In the aforesaid backdrop, when we consider the request of Mr. Saqib Amin Parray, learned counsel appearing for the writ petitioners in WP(C) No. 3066/2023 for modification of the interim directions, we find the same genuine and in the larger interest of justice. Even if we were to assume a best case scenario in favour of the private respondents, they would only be entitled to the judgment dated 15th May, 2024. The Special Leave Petition (SLP) before the Hon'ble Supreme Court is also with regard to maintaining the judgment dated 15th May, 2024 and not beyond that. When we go through the judgment dated 15th May, 2024, it is clearly seen that the directions passed by the Tribunal in the judgment impugned in Paragraphs No. '7.1' and '7.2' have been set aside, meaning thereby the respondent-Board is well within its right to take the selection process *qua* the Advertisement Notification No. 05 of 2021 to its logical end.

13. It is not disputed by Mr. Fayaz Ahmad Bhat, learned counsel representing the private respondents that they have not participated in the selection process initiated in terms of

Advertisement Notification No. 05 of 2021. The judgment dated 15th May, 2024 which the private respondents are seeking to maintain, only directs the J&K Service Selection Board to conclude the selection process in respect of Advertisement Notifications No. 1 of 2016 and 03 of 2016. There is, however, no direction qua the Advertisement Notification No. 05 of 2021. The only direction with regard to Advertisement Notification No. 05 of 2021 dated 22nd September, 2021 was contained in Paragraph No. '7.1' of the impugned order, which has already been quashed/set aside by this Court.

14. From the narration of events, it is abundantly clear that even if the judgment passed by this Court dated 15th May, 2024 is maintained, there cannot be any restrain on the J&K Service Selection Board to conclude the selection process qua Advertisement Notification No. 05 of 2021. The direction which would subsist under these circumstances would be the direction No. '7.3' which calls upon the J&K Service Selection Board to conclude the selection process initiated in terms of Advertisement Notification Nos. 01 of 2016 and 03 of 2016 by treating the private respondents herein as qualified to participate in the selection process.

15. Viewed thus, the private respondents have neither any claim nor any locus to call in question the selection process initiated by the J&K Service Selection Board in terms of

Advertisement Notification No. 05 of 2021 and the selections and appointments, if any, made pursuant thereto.

16. For the foregoing reasons, we modify the interim order dated 15th September, 2023 by providing as under:-

(i) That in compliance with the judgment passed by the Tribunal as modified by the judgment of this Court dated 15th May, 2024, the respondent-Board shall proceed to conclude the selection process qua the Advertisement Notification No. 05 of 2021 and proceed in the matter in accordance with law. This shall, however, be without prejudice to the rights of the private respondents herein determined by the writ Court in judgment dated 15th May, 2024.

17. At this stage, Mr. Bhat Fayaz, learned counsel appearing for the private respondents herein makes statement at the Bar that he has instructions from his clients to withdraw the Special Leave Petition (SLP) pending before the Hon'ble Supreme Court and, therefore, prays that this Court may dispose of these petitions finally.

18. In view of the aforesaid statement made by Mr. Bhat Fayaz, learned counsel appearing for the private respondents herein, we take up these petitions for final consideration and dispose of the same in terms of the observations which we have made hereinabove in this order. To allay any apprehensions and to prevent any dispute in future, we clarify the judgment dated 15th May, 2024 in the following manner:

(i) By quashing of Paragraphs No. '7.1' and '7.2' of the judgment passed by the Tribunal, there is left no restriction or restrain on the J&K Service Selection Board to conclude the selection process initiated in terms of Advertisement Notification No. 05 of 2021.

(ii) In view of the aforesaid clarification the Paragraph No. '7.2' of the impugned judgment of the Tribunal is rendered surplusage, having already been quashed by this Court.

(iii) Regarding the Paragraph '7.3' of the impugned judgment of the Tribunal which has been upheld by the Court in terms of order and judgment dated 15th May, 2024, would mean and shall always mean that the J&K Service Selection Board is under an obligation to accept the diploma possessed by the private respondents in National Vocational Training Centre, Muzzafarnagar, Uttar Pradesh, as valid for one year basic training, and consider the private respondents eligible in the selection process initiated vide Advertisement Notification Nos. 01 of 2016 and 03 of 2016 (though wrongly mentioned as 03 of 2021).

(iv) The direction is further required to be understood in the manner that since the private respondents stand provisionally selected in terms of Advertisement Notification No. 01 of 2016 and, as such, they shall be appointed against the post of

Horticulture Technician-IV, if any, available in respect of Advertisement Notification No. 01 of 2016, else they shall be accommodated against supernumerary posts to be created in terms of Paragraph No. '7.3' of the order impugned passed by the Tribunal.

(v) The appointment of the private respondents shall, of course, be subject to the completion of usual formalities required for regular appointment in Government service.

19. With these observations, both the writ petitions are **disposed of.**

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

21.11.2025

"Mir Arif"

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