

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**SWP No. 405/2014
Along with connected matters.**

Surinder Singh and anr. Appellant(s)/Petitioner(s)

Through: Mr. Anuj Dewan Raina, Advocate in
SWP No. 1993/2014
Mr. Abhimanyu Sharma, Advocate in
SWP No. 2334/2011, SWP No.
1327/2012 and SWP No.
1328/2012.

vs

State and ors. Respondent(s)

Through: Mr. Raman Sharma, AAG

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

**ORDER
30.07.2026**

**SWP No. 2334/2011, SWP No. 1327/2012 and SWP No.
1328/2012.**

1. In the light of the judgment passed by Hon'ble Apex Court in case titled '**Union Territory of Jammu and Kashmir and ors. Vs. Saba Wani**', the instant petitions are rendered infructuous and accordingly, learned counsel seeks withdrawal of the aforesaid petitions with liberty to seek appropriate remedy under law.
2. Hon'ble Apex Court in the aforesaid judgment observed as under:-

*(a) The Closure Order of ReT Scheme dated 16.11.2018
for cancellation/withdrawal shall not retrospectively
impair the right of the candidates found placed in the
select panel. In view of the discussion made*

hereinabove, the candidates placed in respective select panels shall be issued engagement/appointment orders as per their position in the select panel having regard to the available vacancies.

(b) The State shall issue the formal engagement orders to the candidates of select panel within a period of eight weeks in terms of the direction (a) above.

(c) Candidates appointed as per directions (a) and (b) from the select panel under the ReT Scheme are directed to acquire minimum qualification prescribed under NCTE Regulations and Notifications, including to qualify the TET, within 3 years and 3 attempts from date of their engagement/ appointment. In this regard, the State is directed to organize the TET annually. After successfully acquiring the minimum qualification and passing TET within prescribed time limit, the services of such appointees shall be, accordingly, regularized on completion of two years of service thereafter.

(d) The direction (c) above shall be applicable to the other similarly situated candidates who have already been appointed from the select panels under the ReT Scheme after 23.08.2010 i.e., the date of NCTE notification prescribing minimum qualifications and prior to the issuance of Closure Order, and do not possess minimum qualification including TET as per the notification of NCTE. However, those appointees shall acquire prescribed qualification within the time as specified in direction (c).

(e) It is obligatory upon this Court to direct that once the candidates/appointees under the ReT Scheme have acquired the prescribed qualifications and qualified

the TET as indicated above, the seniority of all such candidates/ appointees shall be redrawn and determined by the competent authority of the State, maintaining their respective positions in the select panels uninfluenced by the date of appointment, joining or regularization. The inter se seniority shall also be determined accordingly.

(f) It is further directed that if the candidates/appointees including those already appointed and regularized who do not acquire/possess the requisite qualifications in terms of the NCTE notifications and fail to qualify the TET within the period prescribed hereinabove, the State is at liberty to dispense with their services as the mandate of Article 21-A of the Constitution of India cannot be left at altar even while rendering complete justice invoking Article 142 of the Constitution of India. It is further clarified that those candidates/appointees would not have any claim with respect to seniority or regularization as directed hereinabove.

(g) The directions issued hereinabove are in rem and shall apply mutatis mutandis to the candidates already appointed pursuant to 74 advertisements that are subject matter of present proceedings, though they are not party to the present appeals. In view thereof, this judgment shall be widely publicized, and all the candidates/appointees shall be duly informed of these directions so that they can take recourse for acquiring the minimum qualification as per NCTE Regulations and Notifications, if they have not already acquired the same.

(h) The directions contained in clauses (a) to (g) hereinabove shall apply to all the candidates who are litigating in any Court and such cases have been filed prior to the date of this judgement. It is further clarified that candidates who have not already filed cases in any Court shall neither acquire any fresh cause of action by virtue of these directions nor be entitled to seek any further directions from any Court in that regard.

3. The present writ petitions cannot be adjudicated in the light of the rider imposed by the Hon'ble Apex Court as the name of the petitioners does not figure in the select panel, therefore, learned counsel for the petitioners in all the petitions seeks to withdraw the instant petitions.
4. Accordingly, all the petitions are dismissed as withdrawn with liberty to seek appropriate remedy if available, under law.
5. Interim directions, if any, shall stand vacated.

SWP No. 1993/2014

6. Mr. Anuj Dewan Raina, learned counsel for the petitioners has drawn attention of this Court to an order No. ZEO/KK/548-53 dated 08.07.2014 which has been placed as Annexure-H with the instant petition and is subject matter of the instant petition, whereby services of the petitioner No. 1 who was engaged as ReT in MS Garan Pain, Science Stream appointed on 18.05.2012 and services of petitioner No. 2 who was engaged as RET in MS Garan Pain, Maths Stream appointed on the same date, have been withdrawn because of the rider imposed by this Court in connected petitions which

have been dismissed today in the light of the judgment passed by the Hon'ble Apex Court.

7. Learned counsel for the petitioners submits that since the rider imposed by the respondents by virtue of order impugned dated 08.07.2014 has since been lifted by this Court and connected petitions have been dismissed having been rendered infructuous in the light of the judgment passed by Hon'ble Apex Court, the respondents, as such are under legal obligation to accord fresh consideration in the light of the aforesaid development and rider which finds mention in the order impugned is required to be lifted and the respondents can be directed to accord fresh consideration.
8. Mr. Raman Sharma, learned AAG is not averse to according fresh consideration in the light of the aforesaid development and also in the light of the law laid down by the Hon'ble Apex Court in the judgment mentioned (supra). Therefore, no fruitful purpose would be served by keeping this petition alive and accordingly, the same is disposed of with the consent of the learned counsel for the parties by directing the respondent Nos. 3,4 & 5 to accord fresh consideration to the case of the petitioners in the light of the judgment passed by Hon'ble Supreme Court in case titled **'Union Territory of Jammu and Kashmir and ors. Vs. Saba Wani'** in accordance with law and let the fresh consideration order be passed within a period of four weeks from the date a copy of the

instant petition along with its annexures is made available to the said respondents.

9. Needless to say that while according consideration, if the respondents intend to hear the petitioners, the opportunity of being heard be provided to the petitioners and other stakeholders, if required.
10. The petitioners are also at liberty to produce the relevant record to the respondents while according such consideration.
11. No expression of opinion on the merits of the case has been made as the issue is left open for the respondents to decide the same in the light of the judgment passed by Hon'ble Apex Court and in the light of the subsequent development which has taken place.
12. Disposed of along with connected CM(s).

(Wasim Sadiq Nargal)
Judge

Jammu
30.07.2026
Tarun