

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 277/2026
CM No. 662/2026

Date of pronouncement: 02.03.2026
Date of uploading: 03.03.2026

Ayaz Ahmed S/o Sh. Badar Din,
R/o Jalalabad, Sunjwan Road, Jammu,
Presently posted as Head Assistant
(Incharge), J&K National Cadet Corps.

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

Through: Mr. Ahtsham Hussain Bhat, Advocate

vs

1. Union Territory of J&K th. Commissioner/
Secretary to Govt., Education Deptt., Civil
Secretariat, Jammu.
2. Commissioner/Secy. To Govt., Central
Administration Department, Civil
Secretariat, Jammu.
3. Additional Director General, National
Cadet Corps, J&K, Jammu.
4. Groups Commander, NCC Group
Headquarters, 136/1, Trikuta Nagar,
Jammu.

..... Respondent(s)

Through:

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

ORDER (ORAL)
02.03.2026

Sanjeev Kumar 'J'

1. Impugned in this petition, filed by one Ayaz Ahmed under Article-226 of the Constitution of India, is an order and judgment dated 11.12.2025 passed by the Central Administrative Tribunal, Jammu Bench, Jammu [for short "**the Tribunal**"] in TA No. 3676/2020 titled "*Ayaz Ahmed and others Vs. State of J&K and others*", whereby the petition filed by the petitioner along with three others

has been dismissed as not pressed *qua* the petitioner whereas the petition in respect of other three petitioners before the Tribunal has been allowed with a direction to accord them the benefit of promotion to the post of Head Assistant from the date each one of them has passed Secretariat Assistant Examination (SAE).

2. The impugned judgment is called in question by the petitioner, mainly on the ground that the learned counsel, who was representing him before the Tribunal had no instructions to make a statement that the petitioner did not want to press the petition. Mr. Ahtsham Hussain Bhat, learned counsel appearing for the petitioner would argue that the case of the petitioner was similarly situated with other three petitioners before the Tribunal and there was no good reason or justification for him to withdraw from the writ petition.
3. Be that as it may, it is not in dispute that for promotion to the post of Head Assistant, the possession of mandatory statutory qualifications is a *sine qua non*. The qualification prescribed by the relevant statutory rules is minimum three years qualifying service as Senior Assistant and passing of Secretariat Assistant Examination. The waiver of Secretariat Assistant Examination is permissible in the cases where the incumbent Senior Assistant, seeking promotion to the post of Head Assistant, is of the age 50 years or above. Admittedly, the co-petitioners of the petitioner before the Tribunal attained the eligibility for promotion to the post of Head Assistant on qualifying the Secretariat Assistant Examination during the pendency

of TA, whereas the petitioner, though deputed for the aforesaid training could not qualify the examination.

4. The Tribunal, taking note of the fact that during the pendency of the petition before the Tribunal, the co-petitioners of the petitioner had qualified the Secretariat Assistant Examination and thus, attained the eligibility for the promotion and accordingly, directed the respondents to accord the benefit of promotion to them as Head Assistant from the date, each one of them had passed Secretariat Assistant Examination. It is true that the petition *qua* the petitioner was dismissed by the Tribunal on the submission made by the learned counsel representing him that he did not wish to press his petition. However, the fact remains that even if the petition would have been pressed, no relief could have been granted to him for the reason that he lacked the eligibility to be promoted to the post of Head Assistant, in that, he had failed to qualify the Secretariat Assistant Examination.
5. For the foregoing reasons, we find no merit in this petition and the same is, accordingly, ***dismissed***. Learned counsel appearing for the petitioner would further submit that he has moved an application before the authorities concerned for giving him exemption from passing the Secretariat Assistant Examination in view of his heart ailment and the petitioner would feel satisfied, if they are called upon to consider his representation sympathetically in a time bound manner.

6. Regard being had to the submissions made by learned counsel for the petitioner, we direct the authorities concerned to consider and dispose of the representation, if any, made by the petitioner in accordance with the rules, keeping in view the submissions made by him in his representation.

7. *Disposed of.*

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

Jammu
02.03.2026
Vishal Sharma

Whether the order is reportable? Yes/No

Whether the order is speaking? Yes/No

