

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

CJ Court

Case: LPA No. 30/2026 in
WP(C) No. 1222/2025
CM Nos. 959-961/2026

Date of pronouncement: 25.02.2026
Uploaded on: 26 .02.2026

Mohammad Qasim and anr.

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

Through: Mr. Javid Hameed, Advocate.

V/s

UT of J&K and ors.

.... Respondent(s)

Through: Mr. Vishal Sharma, Sr. Advocate (DSGI) with
Mr. Anishwar C. Koul, CGSC.
Mr. Akhil A. Bardi, Advocate for private
respondents.

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

ORDER(ORAL)

(ARUN PALLI-CJ)

01. This is an intra-court appeal under Clause 12 of the Letters Patent assailing the interim order dated May 19.2025.

02. A brief narration of the facts that have led the parties to the current position is imperative.

In April 2025 the HME/Mission Director, National Health Mission, UT of Ladakh, issued an advertisement for the recruitment of Medical Officer(s) (AYUSH) for the Block Mobile Team under the Rashtriya Bal Swasthya Karyakram (**RBSK**) Scheme. Per the eligibility criteria, the candidates possessing the Degrees in BAMS/BUMS/BHMS/BSRMS and BDS were eligible to compete in the selection process. However, a group of Bachelor of Sowa-

Rigpa Medicine and Surgery (BSRMS) graduates challenged the said notification vide WP(C) No. 1222/2025. In brief their case was/is that AYUSH posts should be exclusive to the traditional medicine streams and, therefore, inclusion of Bachelor of Dental Surgery (BDS) is apparently unjustified. And, vide order that is being assailed, the Writ Court, though, permitted the respondent-Authorities to continue with the selection process, however, they were directed not to declare the results of the candidates possessing BDS/MS Degrees. Whereas, liberty was granted to declare result of all other AYUSH Streams (BAMS/BUMS/BHMS/BSRMS)

03. Learned counsel for the appellants submits that *exfacie* the impugned order is erroneous, for, the appellants (BDS candidates) despite being the most affected parties were neither impleaded as such nor heard before the Writ Court passed the impugned order. So much so, he submits the RBSK Scheme guidelines (since 2014) specifically includes MBBS/BDS/AYUSH as eligible qualifications for Mobile Health Teams. And, viewed in this context, the interim order effectively rewrites the eligibility criteria. Further, the subject posts being contractual (one year), owing to the order under challenge, the rights/interests of the appellants are severely impaired. Rendering the appellants participation in the examination /selection process inconsequential.

04. However, Mr. Akhil A. Bardi, learned counsel appearing for the private respondents submits that in fact 95% of the candidates who possess a BDS Degree, were arrayed as respondents on May 19, 2025 itself. He submits that the Writ Court is already in seizin of the matter. And, the respondents to the petition have already submitted their objections/response. Therefore, in the given circumstances, it would rather be expedient if the appellants, too, are arrayed as parties to the petition and to secure the interest of all the stake-holders to the *lis* ,

the Writ Court be requested to consider and decide the application moved by the writ petitioners as regards the interim relief as also the main case itself at the earliest.

05. Learned counsel for the appellants is agreeable to the course suggested by the learned counsel for the private respondents. He submits that the appellants, too, shall file their objections/response to the petition within three days.

06. In the wake of the above and in terms of the statements made by learned counsel for the parties, the appellants are impleaded as respondents to the writ petition. For, the matter is posted before the Writ Court on April 07, 2026, with the consent of the learned counsel for the parties, same is preponed to March 03, 2026. The Writ Court, in the given circumstances, is requested to consider and decide the application for interim relief on the date fixed and, if considered viable, even the main case as expeditiously as possible.

07. The appeal is, accordingly, **disposed of** in the above terms.

08. Needless to assert that this order shall not constitute any expression of opinion on merits of the case of either party as the Writ Court would proceed to decide the matter in accordance with law.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
25.02.2026
Sunita