

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

WP(C) No. 1660/2020
c/w
WP(C) No. 500/2021

Reserved on: 03.02.2026
Pronounced on : 06.02.2026
Uploaded on : 06.02.2026
Whether the operative part or full
judgment is pronounced: Full

Joginder Singh
Uttam Singh

....Petitioners

Through:- .

V/s

UT of J&K & ors.

.....Respondents

Through:- Mr. Eishaan Dadhichi, GA for R-1, 2 and 5
in WP(C) No. 16760/2020 and WP(C) No.
500/2021.
Mr. Rahul Raina, Advocate for R-7 &
R-8 in both the petitions.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE
JUDGMENT

01. Through the medium of the present judgment, afore-titled two connected writ petitions are proposed to be disposed of.

02. Writ petition-WP(C) No. 1660/2020 has been filed by Joginder Singh whereas, writ petition-WP(C) No. 500/2021 has been filed by Uttam Singh. In both these petitions, the petitioners have challenged order dated 17.09.2020 passed by

respondent No. 4-District Development

Commissioner/Chairman Rehbar-e-Khel, District Ramban whereby appeal filed by the petitioners for quashment of appointment order of the respondents No. 7 and 8 as Rehbar-e-Khel has been dismissed. The petitioners have also challenged the provisional select list of Rehbar-e-Khel for district Ramban issued vide No. DYSSO/R/426-29 dated 30.05.2019 so far as it pertains to respondents No. 7 and 8; with a further direction to consider the candidature of the petitioners for appointment as Rehbar-e-Khel in Zone Batote, district Ramban. The petitioners have further sought a direction upon the respondents to invalidate the BPE & BPED degrees obtained by respondents No. 7 and 8.

03. As per case of the petitioners, pursuant to advertisement notice No. 01 of 2018, the petitioners participated in the selection process of Rehbar-e-Khel as they were eligible for the same. By virtue of notification dated 30.05.2019, a provisional select list in respect of candidates of zone Batote was issued but names of the petitioners did not figure in the said list. The names of respondents No. 7 and 8 figured in the said list though both these respondents were working as government servants on contractual basis. It has been contended that respondents No. 7 and 8 despite attending their office continuously and drawing salary, were shown to have obtained BPE and BPED degrees as regular students. The petitioners are stated to have filed objections to

the provisional select list highlighting the aforesaid aspect of the matter.

04. According to the petitioners, respondent No. 7 was serving continuously as NYC in Govt. High School Bhartund, zone Bhagwah district Doda from 15.10.2010 to 19.02.2012 and during this period, he was also being paid honorarium @ Rs. 2500/- per month. It has been contended that during the same period, respondent No. 7 is stated to have procured his BPE and BPED degrees which are regular degree courses and require 85 percent of attendance. It has been contended that even though job of NYC is voluntary in nature, yet as per the conditions laid down in the scheme, a person joining as NYC has to submit a letter of acceptance and as per condition No. 7 of the said letter of acceptance, a candidate has to declare that he is not enrolled for any academic course nor does he intend to get enrolled during the period of his engagement. However, respondent No. 7 has flouted the said condition by obtaining degrees in respect of regular courses.

05. Regarding respondent No. 8, it has been alleged that he was engaged as contingent paid worker in May 2005 by the office of Executive Engineer, PHE Division Doda and he remained casual paid worker there upto July, 2018. It has been submitted that during the period from May, 2008 to July, 2008, the said respondent has drawn wages while serving as a contingent paid worker and he was given charge of water supply scheme in Chuchatter. During the same period,

respondent No. 8 is stated to have procured his regular course degrees in physical education (BPED).

06. It has been submitted that when nothing was done in respect of the objections filed by the petitioner to the provisional select list, they filed a writ petition bearing OWP No. 4334 of 2019 seeking an action in this regard. The said writ petition was disposed of by this Court by directing DDC Ramban (respondent No. 4) to take a final decision on the objections filed by the petitioners. Pursuant to aforesaid direction of this Court, the impugned order came to be passed by the said respondent, whereby the objections of the petitioners were rejected.

07. It has been contended that the impugned order passed by the respondent No. 4 is liable to be set aside because the said respondent did not appreciate the facts and documents placed on record. It has been contended that the private respondents could not have attended regular courses once they were in continuous service marking their attendance in the department for which they were drawing honorarium/wages. It has been contended that while admitting that respondents No. 7 and 8 were engaged in government service, respondent No. 4 still proceeded to accept the explanation of the said respondents and legalized their degree certificates.

08. The official respondents as well as private respondents have contested the writ petition by filing their

separate replies. In their reply, the official respondents have submitted that the qualification certificates of BPE and BPED of respondents No. 7 and 8 were got verified from the concerned institutions and the same were found to be genuine. It has been submitted that respondents No. 7 and 8 figured higher in merit in the provisional select list. After the filing of the objections by the petitioners, the same were considered by the competent authority pursuant to the directions of this Court in the earlier round of litigation.

09. Both the private respondents in their separate replies to the writ petitions have admitted that they were engaged during the relevant period with Government institutions. While respondent No. 7 was working as NYC volunteer, respondent No. 8 was working as contingent paid casual worker with PHE department. It has been admitted by the respondents No. 7 and 8 that during the period they were working with the Government institutions, they also obtained degrees which became the basis of their selection as Rehbar-e-Khel. They, however, claimed that their employment was not of a regular nature. While respondent No. 7 was working on a voluntary basis, respondent No. 8 was a casual worker and, therefore, they were not regularly attending their duties and were available to attend the institutions wherefrom they got the degrees. Respondents No. 7 and 8 have contended that they were attending their duties as volunteer/casual worker only during the vacation/break periods in the college.

10. I have heard learned counsel for the parties and perused record of the case.

11. It is an admitted case of the parties that during the period respondents No. 7 and 8 procured BPED degrees on the basis of which they were provisionally selected, they were also working with different government institutions. While respondent No. 7 was working as volunteer of National Youth Corp (NYC) in Govt. Middle School, Bhartund, respondent No. 8 was engaged as casual worker with PHE department in village Chuchater, district Ramban. It is also not in dispute that degree courses obtained by respondents No. 7 and 8 on the basis of which they were provisionally selected were found to be genuine upon their verification from relevant institutes.

12. The question that arises for determination is as to whether this Court while exercising its writ jurisdiction can doubt the veracity and genuineness of these certificates issued by the concerned institutes in respect of the degree courses obtained by respondents No. 7 and 8.

13. While deciding the aforesaid issue, it has to be borne in mind that respondents No. 7 and 8 were working on casual basis with the government departments. While respondent No. 7 was working as a volunteer, respondent No. 8 was working as a casual worker, therefore, it was not mandatory for them to regularly attend their services with the government departments. Had it been a case where respondents No. 7 and 8 would have been bound by their

contracts of employment to attend to their work regularly, the things may have been different but it is a case where from the nature of employment of respondents No. 7 and 8, it can safely be stated that their regular attendance with their employers was not mandatory.

14. The petitioners may have drawn wages from state exchequer even for the period during which they may not have actually worked but this is an issue which has to be gone into by their employers. On this basis, this Court cannot invalidate the degree certificates issued in favour of respondents No. 7 and 8, particularly when the same have been found to be genuine upon verification. These certificates have been issued by recognized institutes. Thus, there is a presumption of correctness attached to the certificates issued by recognized institutes particularly when the same have been found to be genuine. It is only if the petitioners would have produced some material on record in the shape of attendance certificates/register of the relevant institutes to contradict the claim of respondents No. 7 and 8 of having attended the course regularly, that this Court would have been persuaded to take a view that the certificates issued in favour of respondents are not genuine. In the absence of any such material, it can safely be stated that respondents No. 7 and 8 have been provisionally selected on the basis of genuine degree certificates. This Court while exercising its writ jurisdiction cannot hold a roving enquiry with a view to find out as to

whether or not the respondents No. 7 and 8 had actually attended regular classes while undergoing the degree courses in question and nullify the certificates which have been found to be genuine.

15. For the foregoing reasons, the impugned order passed by the Deputy Commissioner, Ramban does not call for any interference by this court in exercise of its writ jurisdiction.

16. Accordingly, both the writ petitions being without merit, are dismissed.

JAMMU
06.02.2026
Naresh/Secy.

(SANJAY DHAR)
JUDGE

Whether the judgment is speaking: **Yes**

Whether the judgment is reportable: **No**