

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

SWP No. 2268/2011

Neena Sharma

**D/o Shri Ramesh Chander, aged 26
years**

**R/o Habitation Seela, Village
Marhote (Tattapani), Tehsil
Kalakote, District Rajouri**

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

Through: Mr. Samarjeet Singh, Advocate

Vs

- 1. State of J&K through
Commissioner Secretary,
Department of School Education,
Srinagar/Jammu.**
- 2. Director School Education,
Jammu.**
- 3. Chief Education Officer, Rajouri.**
- 4. Zonal Education Officer, Kalakote.**
- 5. Kulvinder Kour
D/o Shri Sarvan Singh
R/o Mahote Kalakote.**
- 6. Modh. Asif
S/o Mohd Rayaz
R/o Kurrah, Tehsil Kalakote,
District Rajouri.**
- 7. The Director, SSA, J&K, Jammu.**

..... Respondent(s)

Through: Ms. Jagmeet Kour, Assisting Counsel to
Mr. Raman Sharma, AAG for R-1 to 4 & 7
Mr. C. M. Koul, Sr. Advocate with
Mr. Rahul K. Padha, Advocate for R-6

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

ORDER
13.08.2026

1. Learned counsel appearing on behalf of respondent No. 6 has drawn the attention of this Court to the select panel which has been placed on record

by the petitioner in the instant petition. A perusal whereof reveals that respondent No. 6 figures in the select panel.

2. Thus, according to the learned Senior counsel appearing for respondent No. 6, he has a vested right of being considered in the light of the judgment passed by the Hon'ble Apex Court in case titled ***“Union Territory of J&K and Ors. Vs. Saba Wani”*** decided on 30.04.2026, strictly in terms of the guidelines drawn by the Hon'ble Apex Court in case titled hereinabove.
3. The record further reveals that by virtue of the interim order dated 05.11.2011 passed by this Court, the selection of RET in upgraded Middle School, Seela, Village Marhote (Bera Marhote Tatapani), Zone Kalakote, has been directed not to be finalised, and that order continues to be operative as on date.
4. Therefore, in the aforesaid backdrop, Mr. C. M. Koul, learned Senior counsel appearing on behalf of respondent No. 6, submit that the respondents are under a legal obligation qua the private respondent to accord due consideration to his case in terms of the order/judgment passed by the Hon'ble Apex Court mentioned (Supra), particularly as respondent No. 6 figures in the select panel. However, the said panel has been called in question by the petitioner in the instant petition, and there is no interim order restraining the respondents from acting upon the said panel. The direction is only to the extent of not to finalise the selection for the Upgraded Middle School, Seela, Village Marhote (Bera Marhote Tatapani), Zone Kalakote.

5. Therefore, in the aforesaid backdrop, the official respondents are directed to accord due consideration to the case of respondent No. 6 and the petitioner in the instant matter, strictly in conformity with the guidelines issued by the Hon'ble Apex Court mentioned (Supra), within a period of four weeks from the date a copy of this order along with a copy of the writ petition and its annexures is made available to the respondent Nos. 1 to 4.
6. It is made clear that while according such consideration, the respondents shall give due weightage to the select panel which has been placed on record in the instant petition.
7. It is further made clear that, while according fresh consideration in terms of the judgment passed by the Hon'ble Apex Court in case titled "***Union Territory of J&K and Ors. Vs. Saba Wani***" decided on 30.04.2026, the petitioner as well as the private respondents shall also be duly considered, and an opportunity of being heard shall be provided to all before taking a final decision in respect of the final select panel. In case, the official respondents require any further documents, the petitioner and the private respondents shall be at given liberty to produce the same before the official respondents before the final decision is taken.
8. The instant writ petition is, accordingly, ***disposed of*** along with connected application(s) in the manner indicated above.

(Wasim Sadiq Nargal)
Judge

Jammu
13.08.2026
Nikhil