

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case: WP(C) No. 1551/2026

Umar Ahmed
S/o Sh. Abdul Majeed
R/o Village Parmaz, Ward No. 17
Tehsil and District, Doda

....Petitioner/Appellant(s)

Through:- Mr. Arshad Majid Malik, Advocate

V/s

- 1. The Union Territory of Jammu and Kashmir**
Th. Secretary, (Home)Civil Secretariat, Jammu
- 2. The Senior Superintendent of Police, Doda**
- 3. The Special DGP (CID),**
Jammu and Kashmir,
Canal Road, Jammu

..... Respondent(s)

Through:- None

CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER

30.05.2026

1. Through the medium of the present writ petition, the petitioner has called in question the order dated 11.05.2026 passed by the Central Administrative Tribunal, Jammu Bench (hereinafter referred to as "the Tribunal") in O.A. No. 587/2026 titled *Umar Ahmed v. Home Department*, whereby the relief sought by the petitioner for issuance of an appointment order in his favour to the post of Constable and for reservation of one post under the EWS category as an interim measure has not been granted.

2. Briefly stated, the case of the petitioner is that pursuant to Advertisement Notification No. 01 of 2024 dated 16.07.2024 issued by the Jammu and Kashmir Services Selection Board, he applied for the post of Constable in the Jammu and Kashmir Police, District Cadre Doda, under the EWS category. According to the petitioner, he fulfilled all the eligibility conditions prescribed under the advertisement notification and participated in the selection process. Upon completion of the selection process, he was selected vide Final Selection Notification No. 13-Selection of 2026 dated 20.02.2026 and his name figures at Serial No. 51 in the select list pertaining to District Cadre Doda under the EWS category.

3. It is averred that after issuance of the final select list, the respondents initiated the process of verification of antecedents and character of the selected candidates and thereafter issued appointment orders vide Order dated 22.04.2026 in favour of almost all the selected candidates. However, the appointment of the petitioner was withheld on account of pendency of two criminal cases, namely FIR No. 221/2023 dated 08.10.2023 and FIR No. 137/2024 dated 01.06.2024, registered at Police Station Doda.

4. Learned counsel for the petitioner submits that both the aforesaid criminal cases are pending trial before the competent criminal Courts and that no conviction has been recorded against the petitioner in either of the cases. It is contended that

the petitioner continues to enjoy the presumption of innocence and, therefore, denial of appointment solely on account of pendency of the aforesaid FIRs is arbitrary and unsustainable in law.

5. Heard learned counsel for the petitioner and perused the record.

6. It is well settled that a candidate seeking appointment in a disciplined force such as the Police Department must possess impeccable character, integrity and antecedents. The employer is entitled to assess the suitability of a candidate with reference to his criminal antecedents and overall conduct. The appointing authority is not precluded from examining the nature of allegations and the pendency of criminal proceedings while determining suitability for appointment to a disciplined force.

7. A perusal of the impugned order passed by the Tribunal reveals that the respondents have been directed to file a short reply indicating the reasons for non-issuance of the appointment order in favour of the petitioner. Thus, the matter is presently under consideration before the Tribunal and no final adjudication has yet been rendered.

8. Admittedly, two criminal cases are pending against the petitioner. Whether the petitioner is entitled to appointment notwithstanding the pendency of the aforesaid FIRs, and whether such pendency renders him unsuitable for appointment to the post of Constable, are matters which fall within the

domain of the competent authority and are also the subject matter of adjudication before the Tribunal.

9. Since the proceedings are already pending before the Tribunal and the petitioner has an efficacious remedy available before the said forum, this Court is of the considered opinion that interference in exercise of writ jurisdiction at this stage is neither warranted nor justified. The petitioner shall be at liberty to raise all available grounds before the Tribunal.

10. Accordingly, this writ petition is dismissed as not maintainable at this stage, leaving it open to the petitioner to pursue the remedy available before the Tribunal in accordance with law.

11. It is, however, made clear that this Court has not expressed any opinion on the merits of the controversy and all questions are left open to be decided by the Tribunal independently and in accordance with law.

(Shahzad Azeem)
Judge

(Sindhu Sharma)
Judge

Jammu:
30.05.2026
Bir*