

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

**Case No: LPA No. 212/2023
CM No.7062/2023**

*Reserved on: 26.02.2026
Pronounced on: 11.03.2026
Uploaded on: 11.03.2026*

*Whether the operative part or
full Judgment is pronounced : **Full***

Vipan Kumar

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

Through: Mr. Ashok Sharma, Advocate.

Vs

UT of J&K and others

..... Respondent(s)...

Through: Mr. Raman Sharma, AAG with Ms. Saliqa
Sheikh, Assisting counsel for R-1 to 4.
Mr. Anuj Dewan Raina, Advocate for R-5

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

JUDGMENT

PER OSWAL-J

1. The appellant and respondent No. 5, pursuant to Advertisement Notice No. CEOR/RET/33991-34006 dated 03.12.2013, applied for engagement as Rehbar-e-Taleem (RET) in Government High School, Panjgrain. Upon consideration of the applications, a select panel dated 26.12.2013 was prepared by respondent No. 4, wherein respondent

No. 5 was placed at Serial No. 1 and the appellant at Serial No. 5. Aggrieved by the said panel, the appellant filed a writ petition bearing SWP No. 2934/2014, titled *Vipan Kumar Vs. State of J&K and others*, challenging the panel dated 26.12.2013 and seeking directions to the official respondents to appoint him as RET Teacher in Government High School, Panjgrain.

2. The primary ground of challenge raised by the appellant was that respondent No. 5 had married one Taib Majid approximately seven years prior to the filing of the writ petition and, since then, had been residing in Village Dhanore Jaralan, Rajouri, situated at a distance of more than 20 kilometers from Village Panjgrain. It was contended that in view of her marriage and consequent change of residence, respondent No. 5 ceased to be a resident of Village Panjgrain and, therefore, did not fulfill the eligibility requirement of 'local residence' prescribed under the applicable norms.
3. The official respondents filed their objections, stating, *inter alia*, that respondent No. 5 was fully eligible under the criteria prescribed in the advertisement notice as a resident of Village Panjgrain. They further submitted that the school in question predominantly serves a population comprising approximately 75% Scheduled Tribe (ST) inhabitants. Under the applicable Rehbar-e-Taleem (RET) Scheme norms, where a school serves a predominantly SC/ST population, only candidates from those categories possessing the requisite qualifications are eligible.
4. The respondents maintained that respondent No. 5, as a resident of Panjgrain belonging to the ST category, was correctly placed at Serial

No. 1 of the panel based on merit and eligibility. Furthermore, the respondents cited the judgment in case titled bearing SWP No. 2014/2003, asserting that a woman cannot be disentitled from consideration for selection under the RET Scheme in her parental village solely by virtue of her marriage into another village.

5. The respondent No. 5 had filed her objections, wherein she had contended that she continued to be a resident of Village Panjgrain and did not reside in Village Dhanore Jaralan, as alleged by the appellant. It was submitted that her name had earlier been entered in the electoral roll of Village Dhanore Jaralan, but the same was subsequently deleted and a certificate of deletion/surrender was issued in her favour. She further stated that after her marriage she had been residing in a rented accommodation at Village Panjgrain and had earlier also been engaged there on a temporary basis. In support of her contention, respondent No. 5 had placed on record Order dated 19.08.2014, evidencing her engagement as a teacher on a temporary basis in the said village.
6. The learned writ Court, after hearing learned counsel for the parties and considering the pleadings on record, dismissed the writ petition. However, while doing so, the Court left it open to the official respondents to take an appropriate decision with regard to respondent No. 5 in the light of the directions issued by the co-ordinate Bench in SWP No. 3004/2018 titled *Ruksana Jabeen v. State of J&K and others*, decided on 04.02.2023.
7. Heard learned counsel appearing for the parties and perused the record.

8. It was brought to the notice of this Court that certain issues pertaining to the Rehbar-e-Taleem (RET) Scheme are presently pending consideration before the Hon'ble Apex Court, particularly in view of the fact that the RET Scheme has since been wound up. In the present case, however, the controversy involved in the writ petition was confined to the residential status of respondent No. 5. The appellant has failed to substantiate the contention that respondent No. 5 does not reside in Village Panjgrain. Conversely, the official respondents maintain that the village population is approximately 75% Scheduled Tribe (ST). The documents produced by the appellant himself confirms that in villages predominantly inhabited by SC/ST populations, only qualified candidates from those categories are eligible for engagement. Moreover, the surrender certificate available on record evidences the deletion of the name of respondent No. 5 from the electoral rolls of Village Dhanore Jaralan, which lends support to her claim of residence in Village Panjgrain.

9. In view of the foregoing discussion and the reasons recorded hereinabove, we do not find any merit in the present appeal so as to warrant interference by this Court. Accordingly, the appeal is **dismissed** along with all connected CM(s), if any.

(Rajnesh Oswal)
Judge

(Arun Palli)
Chief Justice

Jammu
11.03.2026
Madan Verma-Secy

Whether order is speaking? **Yes.**
Whether order is reportable? **No.**