

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

*Reserved on: 15.09.2026
Pronounced on: 18.09.2026
Uploaded on: 18.09.2026*

SWP No. 2883/2016

Neena Sharma

...Petitioner /Appellant(s)

Through: - Mr. A. K. Gandotra, Sr. Adv. with
Ms. Lakshi Bral, Advocate

Vs.

State of J&K and others

...Respondent(s)

Through: - Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Advocate
Mr. Kartikay Sharma, Advocate
Mr. Sachin Sharma, Advocate

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

JUDGMENT

1. The petitioner, through the medium of the present writ petition, has challenged the panel prepared by respondent No. 4 for the post of Rehbar-e-Taleem Teacher in Government High School, Saroti, Village Khabber, to the extent of her exclusion from the said panel.

2. According to the petitioner, respondent No. 3, Chief Education Officer, Rajouri, issued Advertisement Notice dated 04.10.2013, inviting applications for engagement of ReT Teachers in far-flung areas of District Rajouri. The said Advertisement Notice included four posts of ReT Teachers in Government High School, Saroti, Village Khabber, Zone Moghla. It has

been submitted that as many as 12 candidates applied for four posts, including the petitioner herein. The merit list was prepared by respondent No. 4, in which the petitioner figured at Serial No. 4, whereas the private respondents figured below her.

3. It has been submitted that, against the candidates figuring at Serial Nos. 1 and 2 of the merit list, an endorsement was made that they are not physically residing in the relevant village. Regarding the candidate figuring at Serial No. 3, it has been endorsed that the said candidate has been empanelled for Government Primary School, Changi. Thus, according to the petitioner, she was the most meritorious candidate in the panel eligible for engagement. However, in the merit list, it has been endorsed that the petitioner is not eligible on the ground that she is not physically residing in the relevant village. It has been contended that the verification regarding the residential status of the petitioner was conducted by the Tehsildar concerned at the behest of the Chief Education Officer, Rajouri, and the Tehsildar submitted a report regarding the residential status of the petitioner vide communication dated 24.04.2015, confirming that the petitioner is a resident of the relevant village.

4. On the basis of these assertions, the petitioner has sought quashment of the merit panel issued by respondent No. 4, to the extent it holds the petitioner ineligible on the ground that she is not the resident of the relevant village.

5. Learned counsel appearing for the official respondents has submitted that, during the pendency of the present writ petition, the Rehbar-e-Taleem Scheme was closed in terms of Government Order No. 919-Edu of 2018 dated 16.11.2018. The said order became the subject matter of consideration and determination before the Supreme Court in the case of **Union Territory of Jammu and Kashmir and others v. Saba Wani, SLP (Civil) No. 12210 of 2013**. The Supreme Court laid down the guidelines with regard to cases in which the rights of candidates stand protected despite the closure of the Scheme. According to the learned AAG, Mr. Raman Sharma, the rights of present petitioner are not protected in terms of the directions issued by the Supreme Court in the aforesaid judgment and, as such, the writ petition deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the record.

6. Before determining the issue as to whether the rights of the petitioner are protected despite the closure of the ReT Scheme in terms of the judgment of the Supreme Court in *Saba Wani's* case (supra), it would be apposite to notice the directions issued by the Supreme Court as contained in paragraph 25 of the said judgment. The same is reproduced as under:

25. In this view of the matter, we deem it appropriate to issue following directions –

(a) The Closure Order of ReT Scheme dated 16.11.2018 for cancellation/withdrawal shall not retrospectively impair the right of the candidates found placed in the select panel. In view of the discussion made hereinabove, the candidates placed in respective select panels shall be issued engagement/appointment orders as per their position in the select panel having regard to the available vacancies.

(b) The State shall issue the formal engagement orders to the candidates of select panel within a period of eight weeks in terms of the direction (a) above.

(c) Candidates appointed as per directions (a) and (b) from the select panel under the ReT Scheme are directed to acquire minimum qualification prescribed under NCTE Regulations and Notifications, including to qualify the TET, within 3 years and 3 attempts from date of their engagement/ appointment. In this regard, the State is directed to organize the TET annually. After successfully acquiring the minimum qualification and passing TET within prescribed time limit, the services of such appointees shall be, accordingly, regularized on completion of two years of service thereafter.

(d) The direction (c) above shall be applicable to the other similarly situated candidates who have already been appointed from the select panels under the ReT Scheme after 23.08.2010 i.e., the date of NCTE notification prescribing minimum qualifications and prior to the issuance of Closure Order, and do not possess minimum qualification including TET as per the notification of NCTE. However, those appointees shall acquire prescribed qualification within the time as specified in direction (c).

(e) It is obligatory upon this Court to direct that once the candidates/appointees under the ReT Scheme have acquired the prescribed qualifications and qualified the TET as indicated above, the seniority of all such candidates/appointees shall be redrawn and determined by the competent authority of the State, maintaining their respective positions in the select panels uninfluenced by the date of appointment, joining or regularization. The inter se seniority shall also be determined accordingly.

(f) It is further directed that if the candidates/appointees including those already appointed and regularized who do not acquire/possess the requisite qualifications in terms of the NCTE notifications and fail to qualify the TET within the period prescribed hereinabove, the State is at liberty to dispense with their services as the mandate of Article 21-A of the Constitution of India cannot be left at altar even while rendering complete justice invoking Article 142 of the Constitution of India. It is further clarified that those candidates/appointees would not have any claim with respect to seniority or regularization as directed hereinabove.

(g) The directions issued hereinabove are in rem and shall apply mutatis mutandis to the candidates already appointed pursuant to 74 advertisements that are subject matter of present proceedings, though they are not party to the present appeals. In view thereof, this judgment shall be widely publicized, and all the candidates/appointees shall be duly informed of these directions so that they can take recourse for acquiring the minimum qualification as per NCTE Regulations and Notifications, if they have not already acquired the same.

(h) The directions contained in clauses (a) to (g) hereinabove shall apply to all the candidates who are litigating in any Court and such cases have been filed prior to the date of this judgment. It is further clarified that candidates who have not already filed cases in any Court shall neither acquire any fresh cause of action by virtue of these directions nor be entitled to seek any further directions from any Court in that regard.

(i) At the cost of repetition, it is clarified that this judgment shall not be construed as reviving the ReT Scheme for any purpose whatsoever, nor shall it be interpreted so as to create or confer any right upon candidates who were not part of a prepared select panel or who failed to approach the Court timely. Moreover, these directions are being issued in the peculiar facts and circumstances of this case invoking the power under Article 142 of the Constitution of India and it shall not be treated as precedent in any manner whatsoever.

(j) In view of the observations made in para 24 above, we believe that the State Government shall apply their mind to the facts and circumstances of the case and the situation prevalent in the State and to take an appropriate decision with respect to the revision of the honorarium of such teachers as they deem fit.

7. From a perusal of the aforesaid directions, particularly direction No. (a), it is clear that the closure of the ReT Scheme would not affect the rights of candidates found to have been placed in the select panel. As per direction No. (g), the order issued by the Supreme Court is *in rem*. Further, as per direction No. (h), the directions contained in clauses (a) to (g) would apply to all candidates who were litigating before any Court and whose cases had been filed prior to the date of the said judgment. It has been further clarified that candidates who have not already filed cases before any Court would neither acquire any fresh cause of action by virtue of the directions of the Supreme Court nor they would be entitled to seek any further directions from any Court in that regard. The Supreme Court has made it clear that the said judgment shall not be construed as reviving the ReT Scheme, nor shall it be interpreted as creating or conferring any right upon candidates who

were not part of a prepared select panel or who failed to approach the Court timely.

8. The question that arises for consideration is as to what is meant by the expression "select panel". This aspect of the matter has also been dealt with by the Supreme Court in paragraph 17 of the judgment. In the said para of the judgment, the Supreme Court has noticed the various stages of selection under the ReT Scheme. These include identification of posts, advertisement, receiving applications, scrutiny of applications, empanelment of eligible candidates, preparation of a master panel for issuance of tentative selection list, publication of the tentative selection list, and subsequent approval by the Directorate and issuance of engagement orders.

9. Thus, it is only when the select panel is approved by the Directorate that it would qualify as a "select panel" within the meaning of direction No. (a) of paragraph 25 of the judgment passed by the Supreme Court. If the selection process has not reached the stage of approval of the select panel by the Directorate, the rights of the candidates, after the closure of the ReT Scheme, are not protected in terms of the judgment passed by the Supreme Court.

10. Now, coming to the facts of the present case, according to the petitioner, her name figured in the merit list issued by the Zonal Education Officer concerned, wherein it was mentioned that she is not eligible as she is not physically residing in the relevant village. The selection process in respect of the petitioner had not even reached the stage of preparation of the

final panel by the Zonal Education Officer, much less its approval by the Directorate. Therefore, the right of the petitioner to pursue the present writ petition, in the face of the closure of the ReT Scheme and the directions issued by the Supreme Court in *Saba Wani's* case, does not survive.

11. Learned counsel for respondent No. 8 has submitted that the name of respondent No. 8 figures in the final select panel prepared by the concerned Zonal Education Officer and, as such, his right is protected by the judgment passed in *Saba Wani's* case (supra). Since this Court is not considering the issue with regard to the maintainability of the writ petition of respondent No. 8, it would be an unnecessary academic exercise for this Court to deal with the contention raised by learned counsel for respondent No. 8. In any case, once the writ petition filed by the petitioner is held to be not maintainable, it is not open to this Court to issue any direction in favour of respondent No. 8 in the present writ petition.

12. For the foregoing reasons, it is held that with the closure of ReT scheme and subsequent judgment of Supreme Court in *Saba Wani's* case (supra), the right of the petitioner does not survive. The writ petition is, accordingly, **dismissed**.

(SANJAY DHAR)
JUDGE

Jammu:
18.09.2026
Karam Chand

Whether the order is speaking:	Yes/No
Whether the order is reportable:	Yes/No