

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

WP(C) No. 2243/2026

Date of pronouncement: 22.07.2026

Date of uploading: 28.07.2026

Bhabishan Singh, Age: 35 years
S/o Mather Singh
R/o Village Narthyal, Balihote, Teh.
& Distt. Ramban

.....Petitioner

Through :- Mr. R. D. Singh Bandral, Advocate

v/s

UT of J&K through:

1. Commissioner/Secretary,
School Education Department
Civil Secretariat, Jammu.
2. Director,
School Education,
Jammu
3. Chief Education Officer,
Ramban.
4. Zonal Education Officer,
Ramban.
5. Deputy Commissioner, Ramban
6. Mohd. Musarat Bhat,
S/o Mohd. Hanif
R/o Nabul Balihote,
Teh. & Distt. Ramban.
7. Shabir Ahmed
S/o Abdul Qayoom
R/o Kanarian Balihote
Teh. & Distt. Ramban

.....Respondents

Through :- Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Advocate for R-1
Mr. Anishwar Chatterji Koul, CGSC
for R-2 to 5

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

JUDGMENT (ORAL)
22.07.2026

1. The petitioner, through the medium of instant petition,
has sought the following reliefs:-

“(i) Seeking quashment of the impugned proposed select panel notified by Official Respondent No. 4, i.e., Z.E.O. Ramban, whereby private respondents No. 6 and 7 were proposed in the selection panel for one post of Rehbar-e-Taleem Teacher at NPS Antrolla, ignoring the higher merit of the petitioner.

(ii) Commanding the respondents to consider the claim of the petitioner for engagement as Rehhbar-e-Taleem (RET) Teacher at NPS Antrolla, keeping in view the merit of the petitioner, and also directing the official respondents to issue an appointment order in favour of the petitioner.

(iii) Commanding the official respondents to grant the retrospective service benefits to the petitioner for the purposes of seniority and fixation of salary with effect from 2015, i.e., from the date on which the petitioner was entitled to be engaged as a RET teacher.”

2. Learned counsel for the petitioner has drawn the attention of this Court to the writ petition preferred by the petitioner in the first round of litigation bearing SWP No. 1263/2015, which was disposed of way back on 29.04.2015 in the following manner:

“At request, writ petition is disposed of with a direction to the respondents to consider and decide it by treating it as a representation, before finalizing and issuance of the select list for engagement to the post of ReT teacher in New Primary School, Antrolla, Balihote, Zone Ramban, within a period of four weeks from the date a certified copy of this order along with complete set of writ petition is made available to the respondents.”

3. Learned counsel appearing on behalf of the petitioner vehemently argued that the respondents were under a legal obligation to consider and decide the writ petition by treating the same as representation within the period granted by this Court in terms of the aforesaid order. Since no decision was taken by the respondents in compliance to the said order, it gives a recurring cause to the petitioner to file the instant petition.

4. To the contrary, Mr. Raman Sharma, learned AAG submits that the writ petition preferred by the petitioner was disposed of way back on 2015 and the petitioner has not been able to explain the delay in filing the instant petition which has been preferred in 2026 after a lapse of more than ten years.

5. Learned counsel for the respondents has further drawn the attention of this Court to the judgment passed by the Hon'ble Apex Court in the case titled **"UT of J&K & Ors. Vs Saba Wani"**, decided on **30.04.2026** and placed reliance upon the directions issued therein, with particular reference to clause 25(h), which *inter alia* provides that the direction contained in clause (a) to (g) shall apply to all the candidates who are litigating in any Court and such cases which have been filed prior to the date of that judgment.

6. The Hon'ble Apex Court has further clarified that candidates who had 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.

7. For proper appreciation of the direction, it would also be apposite to reproduce the directions issued by the Hon'ble Apex Court in the aforesaid case;

“(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 NCE 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 NTE. 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.”

8. Thus, this Court, after perusing the record, is of the view that whatever was required on the part of the petitioner had already been done and it was incumbent on the part of the respondents to have acted in compliance to the order dated 29.04.2015, passed in SWP No. 1263/2015, by deciding the said writ petition as a representation before finalising and issuing of select list for the engagement to the post in question.

9. Learned counsel for the respondents is not aware whether any such decision has been taken before finalizing and issuing of select panel. Therefore, in absence of any information whether any decision has been taken by the respondents in conformity with the judgment passed by this Court, this Court is of the view that the petitioner cannot be non-suited for inaction on part of the respondents in not deciding the said representation or else conveying this Court the decision taken on his representation. The respondents are under a legal obligation to consider the case of the petitioner in light of the judgment passed by the Hon'ble Apex Court, mentioned supra. The petitioner cannot be put to disadvantageous position on account of inaction of the respondents by holding that he had not filed any case in any court when, admittedly, the petitioner had already approached this Court and a direction had been issued to the respondents to decide his writ petition by treating the same as representation before finalising and issuing the select list.

10. Although the petitioner ought to have specifically pleaded the reasons for delay in filing the instant petition and disclosed whether any attempt had been made to seek compliance of the aforesaid order, learned counsel for the petitioner submits that the judgment rendered by the Hon'ble Apex Court has given a fresh lease of life to the petitioner's claim, inasmuch as the respondents can now accord due consideration to his case in terms thereof.

11. Therefore in the aforesaid backdrop, this Court is of the view that the relief which has been claimed by the petitioner in the instant petition cannot be granted in absence of any decision taken by the respondents or if taken, not conveyed to this Court. However, a duty is cast upon the respondents to accord fresh consideration to the case of the petitioner strictly in tune with the directions passed by the Hon'ble Apex Court within a period of four weeks from the date a copy of this order and writ petition along with annexures are made available to the respondents No. 2 to 5 in case, if the petitioner figures in the select panel after due consideration of his earlier petition bearing **SWP No. 1263/2015**, decided on **29.04.2015**.

12. Needful to say that in case if the respondents have already accorded due consideration to the case of the petitioner in compliance to the order passed by this Court mentioned supra, then the case of the petitioner shall be governed in light of the said consideration order and the respondents are under a legal obligation to consider the case of the petitioner afresh strictly in

conformity with the order/judgment passed by the Hon'ble Apex Court titled "**UT of J&K & Ors. Vs Saba Wani**", decided on **30.04.2026**, provided the petitioner figures in the select panel.

13. ***Disposed of.***

**(WASIM SADIQ NARGAL)
JUDGE**

JAMMU
22.07.2026
Sneha

Whether the judgment is reportable: Yes/No

Whether the judgment is speaking: Yes/No

