

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

WP(C) No.2479/2026
CM No.5379/2026

Arpana Devi Petitioner/Appellant(s)

Through :- Mr. Ajaz Chowdhary, Advocate

V/s

Union Territory of J&K and others Respondent(s)

Through :- Mr. Anishwar Chatterji Koul, GA

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

ORDER
10.08.2026

01. Learned counsel for the petitioner has drawn the attention of this Court to the select panel prepared by the Zonal Education Officer, Thathri, District Doda, a perusal whereof reveals that the petitioner figures at Serial No.1, having secured 62.97% marks in the Science stream and belonging to the RBA category. It is, thus, contended that the petitioner has a legitimate right to have her case considered for engagement as Rehbar-e-Taleem (RET) Teacher, particularly in view of the judgment passed by the Hon'ble Supreme Court, whereby the cases of candidates who have been litigating and whose names figure in the select panels have been directed to considered. .

02. Learned counsel for the petitioner further submits that, in view of the guidelines laid down by the Hon'ble Supreme Court in the case titled "*Union Territory of J&K and Ors. Vs. Saba Wani*" dated 03.04.2026, the case of the petitioner also deserves due consideration, particularly as the petitioner has been pursuing her grievance before this Court and figures at Serial No.1 in the select panel.

03. Learned counsel for the petitioner has also drawn the attention of this Court to the writ petition preferred by the petitioner in the first round of litigation, registered as SWP No.2695/2016, which came to be disposed of vide order dated 17.12.2016 in the following terms:-

“In view of the aforesaid submissions and in the fact of the case, the writ petition is disposed of with a direction to the competent authority to finalize the process of selection of Rehbar-e-Taleem Teacher in question, if not already completed, within a period of one month from the date of receipt of certified copy of the order passed today. It is made clear that this Court has not expressed any opinion on the merits of the case.”

04. Learned counsel for the petitioner further submits that the aforesaid order passed by the learned Writ Court has, till date, not been implemented, perhaps on account of the issue being pending adjudication before the Hon’ble Supreme Court. It is contended that, in view of the judgment now rendered by the Hon’ble Supreme Court, there remains no impediment in the way of the respondents to accord fresh consideration to the case of the petitioner, particularly when her name figures at Serial No.1 in the select panel and she is otherwise eligible for consideration against the post in question.

05. Learned counsel for the petitioner submits that the petitioner would be satisfied if the instant petition is disposed of by directing the respondent Nos.2 to 4 to consider the case of the petitioner in accordance with law.

06. Heard the learned counsel for the petitioner at length and perused the record.

07. Issue notice, which is waived by Mr. Anishwar Chatterji Koul, learned Government Advocate on behalf of the respondents. He is not averse to the disposal of the instant writ petition by treating the same as a representation,

provided the case of the petitioner is considered strictly in accordance with applicable rules and law.

08. With the consent of learned counsel for the parties, the instant writ petition is taken up for final disposal, at this stage. Accordingly, respondent Nos.2 to 4 are directed to treat the instant writ petition as a representation and accord due consideration to the case of the petitioner, particularly in the light of the judgment passed by the Hon'ble Supreme Court in case titled, "***Union Territory of J&K and Ors. Vs. Saba Wani***" dated 03.04.2026, within a period of four weeks from the date, a copy of this order alongwith writ petition and **Annexures** are made available to the concerned respondent(s) strictly under rules and as per law. Let the necessary consideration be accorded within the aforesaid period positively.

09. The Hon'ble Apex Court in case titled "***Union Territory of Jammu and Kashmir & Ors vs Saba Wani***" has delivered judgment dated 30.04.2026, in which the Hon'ble Apex Court while dealing with the petition preferred by the Union Territory of J&J & Ors., has been pleased to issue the 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 to seniority or regularization as directed respect 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.

10. It is, accordingly, observed that while considering the case of the petitioner, the respondents shall take into account the aforesaid factual position and shall also consider her claim strictly in accordance with law and in the light of the judgment passed by the Hon'ble Supreme Court mentioned (supra). The decision so taken shall be communicated to the petitioner by way of reasoned order, which shall be forwarded to her through Registered Post and the petitioner will be at liberty to furnish such further documents or relevant material, if so required by the respondents, before a final decision is taken.

11. In the aforesaid backdrop, the writ petition is *disposed of* in the manner indicated above along with all connected application(s).

(Wasim Sadiq Nargal)
Judge

Jammu:
10.08.2026
Shammi

