

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

SWP No. 1725/2010

Sukhdev Raj, aged 21 years,  
S/o Sh. Tara Chand.  
R/o Village Keri, Tehsil and  
District Jammu.

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

Through:- Mr. Sandeep Singh, Advocate.

V/s

1. State of J&K through its  
Commissioner/Secretary In-  
charge Department of School  
Education, Civil Secretariat,  
Srinagar.

.....Respondent(s)

2. Director School Education,  
Jammu.

3. Chief Education Officer,  
Jammu.

4. Zonal Education Officer,  
Bhalwal, Jammu.

Through:- Mr. Raman Sharma, Sr. Advocate with  
Ms. Saliqa Sheikh, Advocate.

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

**ORDER(ORAL)**

**07.07.2026**

1. The petitioner through the medium of this petition has challenged advertisement notice No. 5 of 2010 dated 08.07.2010 published in daily newspaper, "State Times" in its edition dated 17.07.2010 issued by respondent No. 3 inviting applications for filling one post of Rehbar-E-Taleem for Middle School Chingral, Zone Bhalwal, District Jammu with a further direction to the respondents to appoint the petitioner as Rehbar-e-

Taleem as he fulfills all the qualifications required in terms of earlier advertisement No. 01 of 2010 dated 07.01.2010.

2. The case projected by the petitioner in the present petition is that pursuant to the earlier advertisement notice No. 01 of 2010 dated 07.01.2010, the petitioner had participated in the selection process of engagement of Rehbar-e-Taleem Teacher in Science stream in newly upgraded Middle School, Chingral. Besides, one post in Science stream, another post in Maths stream was also advertised. The candidate was selected for the post of ReT in Maths stream, however, the petitioner was not selected for the post of ReT in Science stream on account that he did not belong to habitation Chingral. Thereafter, the respondents issued the advertisement impugned in this petition.

3. It is contended by the petitioner that the petitioner could not have been outsted from the selection process solely on the ground that he did not belong to that habitation more particularly as he belonged to the Revenue Village Keri and advertisement was never issued for habitation.

4. The respondents have filed their response stating therein that pursuant to advertisement, five applications in total were received from the candidates for the said two posts including the petitioner. One candidate was found ineligible for the reasons that he was not having Maths/ Science in 10+2 and accordingly the said application was rejected. Further, out of remaining four applications, three candidates including the petitioner herein admittedly belonged to Revenue Village Keri but were not residing in habitation Chingral where the said school existed and in light of the Government Order No. 288-Edu of 2009 dated 08.04.2009,

selection was to be made at habitation level, the applications of the three candidates including the petitioner were also rejected.

5. Learned counsel for the petitioner has drawn the attention of this Court towards Clause 5 of the advertisement which provides that application shall be selected on the basis of strict merit at village level/ panchayat/zone level/ward as per directions issued vide GO dated 12.11.2003 and further panchayat level/ zonal level panel shall be drawn only if no eligible candidate at village level/ ward level applies against this advertisement notice. He further submits that the petitioner belongs to Village Keri and once no candidate was available in habitation Chingral, the petitioner ought to have been considered for the said post of ReT in Science stream.

6. Mr. Raman Sharma, learned senior counsel submits that in terms of mandate of order dated 08.04.2009, a person who resides in a habitation where the school is situated is required to be preferred and once no candidate is available in the said habitation then in terms of advertisement, the scope of the consideration is also expanded, which would include the Revenue Village.

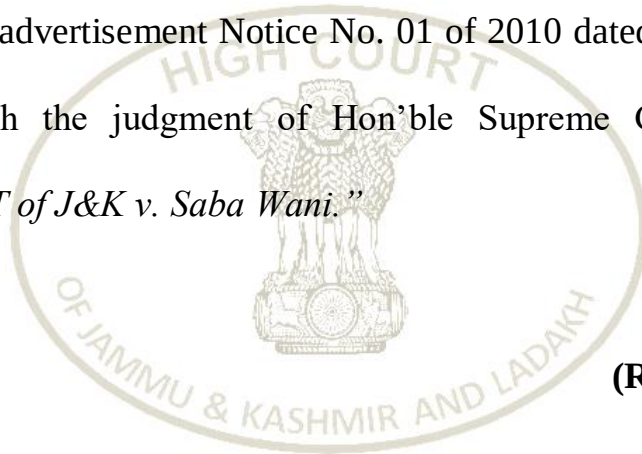
7. Heard and perused the record.

8. It is not in dispute that habitation Chingral is part of Revenue Village Keri and further that no candidate from habitation Chingral was available for appointment to the post of ReT in Science stream. The candidature of the petitioner, as such, has been rejected solely on the ground that he never belonged to the habitation Chingral which is not the

mandate of Government Order dated 08.04.2009 and the advertisement notice.

9. Accordingly, this Court is of the considered view that this petition deserves to be allowed to the extent of quashing the advertisement Notice no. 5 of 2010 dated 08.07.2010 published in State Times dated 07.01.2010.

10. The present writ petition is, accordingly, **disposed of** by quashing notice dated 08.07.2010 and further the official respondents are directed to conclude the selection process of engagement of Rehbar-e-Taleem Teacher in Science stream in newly upgraded Middle School, Chingral pursuant to the advertisement Notice No. 01 of 2010 dated 07.01.2010 in accordance with the judgment of Hon'ble Supreme Court of India rendered in "*UT of J&K v. Saba Wani.*"



**(Rajnish Oswal)**  
**Judge**

**JAMMU**  
**07.07.2026.**  
**Neha-1**