

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

LPA No.207/2026 in
SWP No.286/2015

Roop Chand and another

.....Appellant(s)

Through :- Mr. Abhirash Sharma, Advocate

v/s

Union Territory of J&K and others

.....Respondent(s)

Through :- Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Assisting Counsel
Ms. Jagmeet Kour, Assisting Counsel

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE YASH PAUL BOURNEY, JUDGE**

ORDER
28.09.2026

01 Impugned in this *intra-court* appeal is an order dated 29.07.2026 passed by a learned Single Judge of this Court ["Writ Court"] in SWP No.286/2015 titled "*Roop Chand and Anr. Vs. Union Territory of J&K and Ors.*", whereby the Writ Court has dismissed the writ petition filed by the appellants in the light of judgment rendered by the Hon'ble Supreme Court in the case of "*Union Territory of J&K & Ors. Vs Saba Wani*" 2026 INSC 439 decided on 30.04.2026.

02 Impugned judgment is challenged by the appellants, primarily, on the ground that the Writ Court has not appreciated that in instant matter, the tentative panel had been finalized at the Zonal Education Officer (ZEO) level and, therefore, the judgment of the Hon'ble Supreme Court in *Saba Wani's* case (*supra*) was not attracted.

03 Having heard learned counsel for the parties and perused the material available on record, we are of the considered opinion that in the instant case, only the tentative select panel was prepared by the Zonal Education Officer and displayed in the Higher Secondary School/GMS, Gigrial for general information and inviting objections, if any. Thereafter, there was no progress made in the matter. In the meanwhile, the ReT scheme came to be closed by the Government in terms of Govt. Order No.919-Edu. of 2018 dated 16.11.2018.

04 When the writ petition was taken up for consideration by the Writ Court, it was pointed out that the challenge to the closure of the scheme in terms of Govt. Order of 2018 stood finalized by the Hon'ble Supreme Court by issuing directions under Article 142 of the Constitution of India. The directions issued by the Hon'ble Supreme Court are contained in para 25 of the judgment, which, for facility of reference, are set out below:-

- “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.”*

05. In the instant case, it is not the case of the appellants that they were in any select panel, tentative or approved and, therefore, are entitled to the

appointment notwithstanding closure of the scheme in terms of Govt. Order of 2018.

06. Thus, viewed from any angle, the appellants have no case in the Writ petition. The respondents, whose placement in the tentative select panel has been called in question by the appellants in the writ petition, were never approved for appointment and, therefore, no right is vested in the private respondents to seek engagement as ReT on the strength of the judgment passed by the Hon'ble Supreme Court in Saba Wani's case (supra). If that be the situation, nothing survives in the writ petition for further adjudication. The writ Court has, thus, taken a correct view in the matter and has, accordingly dismissed the writ petition for having been rendered infructuous.

06. For the foregoing reasons, we find no good reason to take a view different from the one taken by the Writ Court. The appeal is, thus, found devoid of any merit and the same is, accordingly, **dismissed**, alongwith all connected application(s).

(Yash Paul Bourney)
Judge

(Sanjeev Kumar)
Judge

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28.09.2026
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