

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

WP(C) No. 3192/2026
CM No. 7049/2026

Date of Pronouncement: 05.10.2026
Date of Uploading: 07.10.2026

Bimla Devi, age 60 years
W/o Sh. Rajiv Kumar Dubey,
R/o Village P.O. Domana
Tehsil and District Jammu

.....Applicant(s)/Petitioner(s)

Through :- Mr. Anuj Dewan Raina, Advocate

v/s

1. Union Territory of Jammu and Kashmir
Through Commissioner Secretary to
Government School Education
Department Government of Union
Territory of Jammu and Kashmir, Civil
Secretariat-Jammu
2. Director School Education, Jammu
3. Chief Education Officer, Resham Ghar
Colony, Jammu.
4. Zonal Education Officer, Bhalwal,
Jammu

.....Respondent(s)

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

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE**

ORDER
05.10.2026

- 01.** Impugned in this petition filed by the petitioner under Article 226 of the Constitution of India is an order and judgment 02.02.2026, passed by the Central Administrative Tribunal, Jammu Bench, Jammu [“the Tribunal”] in O.A No. 61/84/2025 titled “**Bimla Devi v/s UT of J&K and others**”, whereby the Tribunal has partially allowed the O.A and

issued a direction that the petitioner shall be deemed to have been appointed as RET w.e.f. 02.09.2016 i.e. six weeks from the date of the judgment dated 22.07.2016 passed in SWP No. 435 of 2004.

- 02.** The impugned judgment is assailed by the petitioner primarily on the ground that the Writ Court has not appreciated that the petitioner was held entitled to the appointment as RET by a Single Bench of this Court vide judgment dated 22.07.2016 passed in SWP No. 435 of 2004 on the ground that he was erroneously left out of selection, the process whereof was initiated vide advertisement notification dated 11.12.2002. It is, thus, argued that, had the petitioner been considered along with the candidates who were ultimately selected and appointed pursuant to the notification of 2002, he would have got the appointment along with them.
- 03.** Having heard learned counsel for the parties and perused the material available on record, we are of the considered opinion that the Tribunal has correctly decided the issue sought to be raised by learned counsel for the petitioner in this petition.
- 04.** From a perusal of the judgment dated 22.07.2016, it is abundantly clear that the petitioner was held entitled by this Court to be appointed as RET against the available vacancy of RET as was available with the respondents on 22.07.2016. The respondents were granted six weeks' time to comply with the judgment, i.e., to appoint the petitioner as RET against the available vacancy existing as on 22.07.2016. The operative portion of the judgment reads thus:

“The date of birth of the petitioner is 20.02.1996
and in that she was above 35 years as on

01.01.2002. Petitioner claims to have submitted her application for village, Domana. The Director School Education, Jammu-respondent No.2 issued a notice dated 21.01.2003 informing *inter alia* that upper age limit of appointment has been increased by the Government from 35 years to 37 years in open merit and sought fresh applications from the candidates having become eligible due to the increase in the upper age limit.”

- 05.** The judgment of the Writ Court passed in SWP No.435/2004 has attained finality with the dismissal of LPA as well as SLP filed by the respondents.
- 06.** In that view of the matter, it was obligatory on the part of the respondents to comply with the judgment dated 22.07.2016 passed in SWP No. 435/2004, in letter and spirit, and to offer appointment to the petitioner against an available vacancy existing as on 22.07.2016 within a period of six weeks. This, however, was not done. The respondents contested the matter and ultimately complied with the judgment vide Order dated 02.05.2024, giving immediate effect to the appointment of the petitioner as RET, which, of course, was in breach of the judgment earned by the petitioner.
- 07.** For the foregoing reasons, we concur with the view taken by the Tribunal. The Tribunal has very aptly considered the issue and granted the benefit of appointment to the petitioner as RET retrospectively w.e.f. 02.09.2016, i.e., six weeks from the date of judgment dated 22.07.2016 passed in SWP No. 435/2004. As a matter of fact, the relief claimed by the petitioner in the OA disposed of by the Tribunal had become barred by the principle of *res judicata*. The writ petition is therefore devoid of any merit and is, accordingly, dismissed.

- 08.** We, however, make it clear that, notwithstanding what has been stated herein above, the dismissal of this petition shall be without prejudice to the right of the respondents to assail the judgment impugned, if they so desire. However absent any challenge by the UT to the judgment impugned, the same shall be complied with immediately.

(MA Chowdhary)
Judge

(Sanjeev Kumar)
Judge

JAMMU
05.10.2026
Sapna

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

