

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

CJ Court

**Case: LPA No. 2/2026 in
SWP No. 3073/2017
CM No. 857/2026
CM No. 42/2026**

Uploaded on: 20.02.2026

**Mohammad Yaseen, Age 46 years,
S/o Bhadir Ali Sehmata, R/o Village Gundi,
Tehsil Gool, Block Post, Office Gool, District Appellant(s)/Petitioner(s)
Ramban.**

Through: Mr. Vikas Mangotra, Advocate

Vs

- 1. UT of Jammu and Kashmir, Through
Commissioner/Secretary to Government,
Rural Development Department and
Panchayati Raj, Jammu and Kashmir
Government, Civil Secretariat,
Srinagar/Jammu.**
 - 2. Director Rural Development
Department, Jammu.**
 - 3. District Development Commissioner,
Ramban.**
 - 4. Assistant Commissioner
Development, Ramban.**
 - 5. Block Development Officer,
Gool, Ramban.**
- Respondent(s)

Through: Mr. Raman Sharma, Sr. Advocate (AAG)
with Ms. Saliqa Sheikh, Assisting counsel.

**Coram: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

**ORDER
18.02.2026**

1. Appellant, pursuant to the Advertisement Notice issued on 30.04.2010, applied for the post of Gram Rozgar Sevak in Panchayat Gundi, Block Gool, District Ramban. After due process of selection, one candidate, namely, Akhter Hussain S/o Mohd. Sadiq was selected against the said post and in the waiting list, the appellant was figuring at Serial No. 1.
2. Guidelines in the form of Circular dated 24.10.2013 were issued by respondent No. 1, whereby, it was directed that the District Programme Coordinators shall operate the wait lists issued alongwith every selection list to fill the vacancies created due to the selected candidates quitting their jobs under MGNREGA due to reasons mentioned in Para 1 of the circular till they get fully exhausted.
3. After the demise of Akhter Hussain S/o Mohd. Sadiq, the appellant claims to have made various representations for considering his claim for appointment in light of the above-mentioned circular and when the representations evoked no response, he filed the writ petition bearing SWP No. 2169/2017 titled, 'Mohd. Yaseen vs. State of J&K', which came to be disposed of in terms of order dated 01.09.2017 with a direction to the respondents to consider the claim of the appellant as projected in the writ petition within a period of six weeks from the date of receipt of the certified copy of the judgment. It was made clear that while considering the claim of the appellant, the respondents would take into consideration Circular dated 24.10.2013 and the judgment dated 10.11.2014 passed in SWP No. 3131/2014.

4. After disposal of the abovementioned writ petition, the appellant approached the respondents for compliance of the directions issued in terms of order dated 01.09.2017 but the respondents issued fresh advertisement notification dated 30.11.2017 for the same post. The appellant filed a writ petition bearing SWP No. 3073/2017, thereby assailing the advertisement notification and for commanding the respondents to consider the case of the appellant for appointment against the vacant post of Gram Rozgar Sevak (GRS) of Panchayat Gundi, Block Gundi-Dharan, Tehsil Gool District Ramban. He also filed a contempt petition for non-compliance of the order dated 01.09.2017.
5. In the contempt petition filed by the appellant for non-compliance of the order dated 01.09.2017 (supra), the respondents filed their response, stating therein that the case of the appellant was examined in light of the circular dated 24.10.2013 and corrigendum dated 28.01.2017, but the appellant was not found eligible for appointment as Gram Rozgar Sevak in Halqa Panchayat Gundi-Dharan by operation of the wait list.
6. The appellant, as such, amended the writ petition, thereby seeking an additional relief of quashing the order dated 09.10.2017, whereby the claim of the appellant for appointment as Gram Rozgar Sevak was rejected.
7. The respondents responded to the writ petition by asserting that the said Akhter Hussain expired on 25.05.2017 and the corrigendum dated 28.01.2017 was issued prior to the death of Akhter Hussain and as such, the appellant was not eligible for appointment as Gram Rozgar Sevak after

the death of Akhter Hussain, GRS by operation of the wait list notified on 09.08.2010. The corrigendum dated 28.01.2017 fixed the time limit of one year for operation of waiting list.

8. The learned Writ Court vide order and judgment dated 07.11.2025, dismissed the writ petition, and this is how the appellant has come up before this Court through the medium of this intra court appeal, thereby assailing the order dated 07.11.2025.
9. Learned counsel for the appellant has relied upon the circular dated 24.10.2013 to assert that the waiting list was to be operated after the demise of Akhter Hussain, therefore, the appellant was required to be appointed as GRS in Panchayat Halqa Block Gundi-Dharan, Tehsil Gool and District Ramban.
10. This is true that in circular dated 24.10.2013, no period of waiting list was prescribed and this is admitted by the learned counsel for the appellant that corrigendum to the circular dated 24.10.2013 was issued on 28.01.2017. The appellant is maintaining his claim on the basis of circular dated 24.10.2013, but the corrigendum to the said circular was issued on 28.01.2017, whereas Akhter Hussain expired on 25.05.2017. Thus, the fact remains that on the date of accrual alleged cause of action, i.e. demise of Akhter Hussain on 26.05.2017, the subsequent circular dated 28.01.2017 was invogue and as such, the appellant had no right whatsoever to seek operation of the waiting list.

11. We have examined the judgment rendered by the learned Writ Court and we do not find any reason whatsoever to show indulgence. Accordingly, this appeal is found to be misconceived and the same is **dismissed**.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
18.02.2026
Neha-II

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

