

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CJ Court

**LPA No. 1/2026 in
WP(C) No. 2327/2023
CM No. 40/2026, 41/2026
Caveat No. 2405/2025**

Uploaded on: 30.01.2026

**1. J&K Board of Professional
Entrance Examination**

Th. Its. Chairman Bhaghat-I-
Barzulla, Srinagar.

2. UT of J&K

Th. Principal Secretary to Govt.
Health and Medical Education
Dept. Civil Secretariat, Jammu

**3. Director Health Services,
Jammu**

**4. Principal Govt. Dental College,
Jammu**

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

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

Vs

1. Mohd. Imran

S/o Sh. Mohd. Ishaq Khan R/O Nubra,
Lakjung District Leh, UT of Ladakh

..... Respondent(s)

2. Sara Bano

D/O Sh. Mohd. Hussain R/O Shakar
Kargil

Through: Mr. Ayaz Lone, Advocate for Caveator.

Coram: HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

JUDGMENT(ORAL)

(Rajnesh Oswal-J)

1. Issue notice to the respondents.

2. Mr. Ayaz Lone, Advocate appears for the caveator/respondent No.1. With the appearance of Mr. Ayaz Lone, caveat stands discharged.
3. Respondent No. 1 appeared in NEET-2023 for admission in MDS Course for the session 2023 and figured at Serial No. 37, with score of 528, in the merit list issued by the appellant No. 1. However, he was not granted admission in MDS Course against the seat allocated for ST candidate of UT of Ladakh on the ground that in the year 2022, by adopting the rotation policy, the seat was allocated to District Leh, so in the year 2023, the seat was to be allocated for District Kargil.
4. Respondent No. 1 being aggrieved of the action of the appellants in denying the admission to him, filed a writ petition, thereby assailing the selection of respondent No. 2 on the ground that he was higher in merit (528) viz-a-viz respondent No. 2 and rather had secured double the score obtained by respondent No. 2 (243). It was also contended that the representation moved by the respondent No. 1 was illegally disposed of by the J&K BOPEE to confer undue benefit upon the respondent No. 2.
5. The appellants responded to the writ petition by asserting that post Reorganization Act 2019, by virtue of SO 339 of 2020, J&K BOPEE has been enjoined to continue to conduct the entrance examinations for professional courses of UT of Ladakh as per the reservation policy to be defined by the UT of Ladakh. However, the UT of Ladakh did not communicate any policy decision as regards the allocation of odd seat of MDS after the issuance of the above SO. Since there were two seats up to 2021, as UT of Ladakh started first time made 50% contribution to Centre in the year 2022 only, there was no dispute viz-a-viz allocation of

seats as one seat each was allotted to both Leh and Kargil Districts before 2022. But thereafter, in absence of any policy providing for allocation of odd seat, relying upon the J&K BOPEE Reservation Act/Rules in the year 2022, seat matrix was finalized by J&K BOPEE before counselling and the selection was finalized by adopting rotation policy and one odd seat was allotted to candidate of Leh District in the year 2022.

6. Thereafter, during the session of 2023, out of 21 MDS seats, 0.84 (1 Seat) was to be allotted to UT of Ladakh, keeping in view the reservation for UT of Ladakh which is 4%. This seat was to be divided into 0.42 seat for ST Kargil and 0.42 seat for ST Leh, which was practically not possible. For that purpose the fraction of both categories were clubbed together to make it a whole number of one seat and by invoking Rule 5 Sub-Rule 14 of J&K BOPEE Rules, 2014, one seat in the year 2022 was allotted to ST Leh candidate and in the year 2023 one seat was allotted to ST Kargil. That was how, the respondent No. 2 was selected for admission to the course.
7. The learned Writ Court did not find favour with the stand of appellants and by virtue of judgment dated 30.09.2025 disposed of the writ petition by holding the respondent No.1 entitled to admission in MDS Course for the seat to be earmarked for UT of Ladakh for the Session-2026 and the appellants were directed to keep one seat in the MDS Course earmarked for UT of Ladakh reserved in next session. Simultaneously, the appellant No.1 was directed to pay compensation for an amount of Rs. 3 Lacs to respondent No. 1.

8. Appellants being aggrieved of the judgment dated 30.09.2025, have assailed the same on the ground that UT of Ladakh had not notified any policy for PG/NEET and in absence of any such policy, J&K BOPEE had applied the rotational policy during the years 2022 and 2023 as per Sub-Rules 13 & 14 of Rule 5 of the Jammu and Kashmir Board of Professional Entrance Examinations Rules, 2014 issued vide SRO168 dated 10.06.2014, as such, there was no illegality in action of the appellant No. 1.
9. Mr. Raman Sharma, learned AAG appearing for the appellants has argued that there was no mala fide on part of appellants warranting imposition of costs of Rs. 3 Lacs as the appellant No. 1 had selected respondent No. 2 for admission to MDS Course for a seat meant for UT of Ladakh by applying the rotational policy as per Sub-Rules 13 & 14 of Rule 5 of the Jammu and Kashmir Board of Professional Entrance Examinations Rules, 2014.
10. Per contra, Mr. Ayaz Lone, Advocate appearing for respondent No. 1 has submitted that the said rule was not applicable at all and further in the year-2023, Director Health Services, UT of Ladakh in response to representation of respondent No. 1 had clearly communicated to appellant No. 1 to allot the NEET PG, MDS seat reserved for UT of Ladakh as per NEET PG score only. Further, vide communication dated 09.08.2024 the Administration of UT of Ladakh had informed the Government of UT of J and K regarding allocation of seat on the basis of NEET PG score in cases, where a single seat is allocated to UT of Ladakh in MDS/MD/MS and PGD courses. He has further argued that the compensation of Rs. 3 Lacs

has rightly been awarded by the learned Writ Court as the respondent No. 1 was made to litigate without any cause and justifiable reason by the appellants.

11. Heard learned counsel for the parties and perused the record.
12. It is undisputed that respondent No. 1 achieved a higher merit standing than respondent No. 2. With a score of 528 compared to respondent No. 2's score of 243, respondent No. 1 secured almost more than twice the score of the latter.
13. The appellant No. 1 has mainly relied upon Sub-Rules 13 and 14 of Rule 5 of the J&K BOPEE Rules, 2014, which are extracted as under:

“13. The Board shall follow a rotational policy of odd/fractional seats of contiguous categories by clubbing them together to make it a whole number seat which shall be allotted to the candidate of the clubbed categories by following rotational policy between male and female candidates where such reservation is provided under rules.”

“14. The fractional seats of contiguous categories other than given herein above shall be clubbed together to make it whole number (1 seat) which shall be allotted to the candidates of the clubbed categories.”

14. Under the aforesaid rule, the rotational policy between male and female candidates is triggered only when the aggregation of fractional seats from contiguous categories produces a whole number. The aforementioned policy was inapplicable to the present matter, as the fractional seats in question were not derived from the male and female candidate allocations.
15. We are in perfect agreement with the opinion formed by the learned writ court while holding that the rotation policy can be adopted by the BOPEE

only where separate reservation is provided between the male and female candidates and not in the case at hand.

16. It is observed that appellant No. 1, lacking a policy for the UT of Ladakh, inappropriately invoked Rule 5 (Sub-Rules 13 and 14) of the J&K BOPEE Rules. This unauthorized procedure, though intended to provide equal opportunity to candidates from Districts of Leh and Kargil, resulted in the loss of couple of years of respondent No. 1. Given that appellant No. 1 acted without mala fide intent, the compensation of Rs. 3 Lacs is excessive; in our opinion, a reduction to Rs. 1 Lac would be just and appropriate.
17. In view of above, judgment dated 30.09.2025 passed by the learned Writ Court is modified to the extent that instead of Rs. 3 Lacs compensation payable to the respondent No. 1, the appellant No. 1 shall pay compensation of Rs. 1 Lac to respondent No. 1.
18. **Disposed of along with the connected applications.**

(RJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
28.01.2026
Sahil Padha