

S. No.21
Regular List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No.79/2020
CM(8323/2024) CM(1740/2026)

MAHBOOB ALI MIR AND ORS.

.....Petitioner(s)

Through: Mr.M.Y.Bhat, Sr.Advocate with
Mr. Sajid Bhat, Advocate

V/s

UNION TERRITORY OF J AND K AND ANR.

... ..Respondent(s)

Through : Mr.Zahid Qais Noor, GA

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

21.08.2026

1. Through the medium of present petition the petitioners have challenged Government Order No.127-IND of 2019 dated 28.06.2019, whereby all selections made in Khadi and Village Industries Board (KVIB) pursuant to Advertisement Notice No.KVIB/01 of 2016 dated 08.10.2016 have been cancelled and the KVIB has been directed to provide opportunity of being heard to all the candidates appointed to different categories of posts pursuant to the aforesaid Advertisement Notice before cancelling the appointment of these candidates.

2. Heard and considered.

3. According to the petitioners pursuant to Advertisement Notice No.KVIB/01 of 2016 dated 08.10.2016, petitioners No. 1 to 6 applied for the post of Accounts Assistant/Junior Auditor, whereas, petitioners No.7 to 9 applied for the post of Junior Assistant/Record Keeper. It has been submitted that petitioners No. 1 to 6 after having appeared in the written test were shortlisted for the post of Accounts Assistant/Junior Auditor, whereas petitioners No. 7 to 9 after appearing in the written test were shortlisted for the post of Junior Assistant/Record Keeper. Thereafter, with regard to post of Junior Assistant/Record Keeper a notification dated 14.02.2018 came to be issued for the purpose of type test and accordingly petitioners No.7 to 9 appeared in the said type test, which they qualified.

4. It has been submitted that thereafter the respondents issued interview notice and all the petitioners appeared in the interview. It has further been submitted that the respondents issued selection list for the posts of Executive Officer, Publicity Officer, Assistant Executive Officer, Field Publicity Officer and Junior Statistical Assistants but they did not issue selection list of Accounts Assistant/Junior Auditor and Junior Assistant/Record Keeper. This constrained the petitioners to file writ petition bearing SWP No.24/2019, wherein an interim order came to be passed on 11.01.2019 directing the respondents to proceed ahead with the

selection process. When the said order was not implemented by the respondents, the petitioners filed contempt petition bearing No.83/2019. During the contempt proceedings the respondents came up with impugned order whereby whole selection process has been cancelled.

5. During the pendency of this petition, another set of candidates who had been selected as Executive Officer, Publicity Officer, Assistant Executive Officer, Field Publicity Officer and Junior Statistical Assistants filed a writ petition before this Court challenging the impugned order dated 28.06.2019 (supra). The writ petition was allowed vide judgment dated 28.09.2021 passed by the writ Court whereby the order relating to cancellation of selection was quashed. However, no directions were issued to put the writ petitioners back in service. The writ petitioners challenged the order of Writ Court by way of LPA Nos.167/2021 and 137/2021 which came to be decided by Division Bench of this Court in terms of judgment dated 17.12.2024. While disposing of the LPA the Division Bench extended the following directions:-

“(I) The cancellation of selection vide Government Order No.127-IND of 2019 dated 28.06.2019 and cancellation of appointment of the appellants vide order No.KVIB/168 of 2019 dated 14.10.2019, which are already declared bad by the Writ Court against which there is no appeal by the State, are quashed.

(II) The respondents are directed to take back the appellants in service on the positions they were holding on the date of passing of the orders impugned in the writ petition,

within a period of one month from the date copy of this judgment is served upon the respondents.

(III) The respondents shall be free to conduct a fresh enquiry in the matter in accordance with law associating the appellants therein and thereafter to pass appropriate orders.

(IV) The decision with regard to period between the termination of appellants and their reinstate pursuant to this order shall depend upon the result of fresh inquiry and action, if any, taken in pursuance thereof.

(V) It needs no clarification that fresh order, if any passed by the respondents after conducting enquiry in the manner aforesaid, shall be open to challenge by the appellants if the same goes against them.”

6. It seems that the SLP against the aforesaid judgment passed by the Division Bench has been dismissed by the Supreme Court in terms of order dated 23.03.2026 passed in SLP(C) Nos.24615-24616/2025.

7. Learned Senior Counsel for the petitioners has submitted that once impugned order dated 28.06.2019 (supra) stands quashed by the writ Court in the writ petitions filed by some other candidates, which has attained finality, the present writ petition can also be decided in terms of judgment passed by the Division Bench on 17.12.2024.

8. There is no dispute to the fact that impugned order dated 28.06.2019 passed by the respondents, whereby selection made by the respondents pursuant to Advertisement Notice dated 08.10.2016 has been cancelled, stands quashed. Therefore, the challenge to

Government Order dated 28.06.2019 (supra) as mounted by the
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petitioners in the present case has been rendered infructuous. However, the claim of the petitioners that similar directions as have been extended by the Division Bench vide judgment dated 17.12.2024 in LPA No.167/2021 be extended in their favour also, is not tenable for the reason that the writ petitioners before the LPA Bench had been appointed pursuant to the selection process which had been concluded in respect of the posts for which they had applied. It is in those circumstances that the Division Bench directed the respondents to take back the writ petitioners in service. But in this case admittedly the selection process in respect of the posts for which the petitioners have applied has not culminated in issuance of any selection list or appointment orders. Therefore, no direction can be issued to the respondents to select/appoint the petitioners herein.

9. However, once the Government Order dated 28.06.2019 stands quashed, the respondents have to proceed with the selection process as if the said Government order had not been issued at all. At this juncture it is pertinent to note that vide judgment passed by the LPA Bench the respondents have been left free to conduct a fresh inquiry into the matter. Therefore, it shall be open to the respondents either to hold a fresh inquiry into the matter and take a decision on the basis of the findings of the inquiry or take the selection process to its logical conclusion.

10. Accordingly, the writ petition is **disposed of** by directing the respondents to take a decision with regard to the fate of selection process initiated in respect of the posts for which the petitioners have applied pursuant to Advertisement Notice No.KVIB/01 of 2016 dated 08.10.2016 by either concluding the selection process or by taking any other action, as may be deemed fit by the respondents in the facts and circumstances of the case after holding an inquiry into the matter.



(SANJAY DHAR)
JUDGE

SRINAGAR
21.08.2026
Sarveeda Nissar

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