

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

**WP (C) No. 100/2026  
CM No. 204/2026**

Dated: 30<sup>th</sup> of January, 2026.

**Union Territory of J&K and Ors.**

**... Petitioner(s)**

**Through: -  
Mr Syed Musaib, Dy. AG.**

**V/s**

**Dr. Sandeep Kour**

**... Respondents**

**Through: -  
None.**

**CORAM:**

**HON'BLE MS JUSTICE SINDHU SHARMA, JUDGE  
HON'BLE MR JUSTICE SHAHZAD AZEEM, JUDGE**

**(JUDGMENT)**

01. The Petitioners have invoked the extraordinary Writ jurisdiction of this Court in terms of Article 226/227 of the Constitution of India, impugning therein two interim orders dated 7<sup>th</sup> of August, 2025 and 7<sup>th</sup> of November, 2025, respectively, passed by the learned Central Administrative Tribunal, Srinagar [the Tribunal] in OA No. 851/2025 titled '**Dr. Sandeep Kour v. UT of J&K and Ors.**' and CP No. 229/2025 titled '**Dr. Sandeep Kour v. Sandeep Kour and Ors.**', whereby the Tribunal has been pleased to protect the present status of the Respondent herein till the next date of hearing and further directed the Petitioners herein to implement the said Order in letter and spirit.

02. The facts relevant for the present are that the Respondent came to be engaged on academic arrangement as Associate Professor (Periodontics), pursuant to an advertisement notification dated August 31, 2023 issued by the Petitioners. There was a specific stipulation contained in

the advertisement notice that such engagement would be temporary, non-regular and contingent upon the availability of vacancy, satisfactory performance and subsistence of sanctioned posts. Accordingly, the Respondent, on her engagement as Associate Professor (Periodontics) in Government Dental College vide Government Order No. 562-JK (HME) of 2024 dated 16<sup>th</sup> of August, 2024, submitted her joining report and also stated to have executed an undertaking/ agreement acknowledging therein that no right of continuation or regularization would be claimed if the post ceased to exist or was filled up in accordance with law.

03. The case of the Petitioners is that during the subsistence of the temporary engagement of the Respondent, the Government undertook a comprehensive restructuring of faculty posts across Medical and Dental Colleges in the Union Territory, whereby Lecturer posts were upgraded to Assistant Professors and Assistant Professors to the position of Associate Professors in accordance with the sanctioned strength and institutional requirements. As a result, two Lecturer posts in the Discipline of Periodontics were upgraded and substantively occupied, thereby exhausting the sanctioned cadre strength of Assistant Professors in the said discipline. As a corollary thereof, no clear or vacant post of Assistant Professor (Periodontics) remained available against which any academic arrangement could have been either made or existing position permitted to be continued.

04. The further submission of the Petitioners is that upon upgradation and substantive occupation of the post in the Discipline of Periodontics, the statutory foundation of the engagement of Respondent stood extinguished in terms of Rule 4 of SO 364 of 2020. Accordingly, in view of the statutory mandate governing the academic arrangement of the Respondent, it is not feasible to allow her to continue and, thus, she was stated to have been informed accordingly with respect to the inability to be continued further in terms of her engagement. It is this action of the Petitioners which was called in question by the Respondent before the

Tribunal by way of OA, wherein two interim orders came to be passed by the Tribunal which are, now, subject matter of challenge by virtue of the Writ Petition on hand.

05. While making submissions, Mr Syed Musaib, the learned Deputy Advocate General, appearing for the Petitioners, fairly submitted at Bar that apart from the Objections to the OA, an application seeking modification/ vacation of the interim Order dated 7<sup>th</sup> of August, 2025 has also been filed, but without considering the said application, the Tribunal has passed the Order dated 7<sup>th</sup> of November, 2025 in the Contempt Petition with a direction to comply with the Order dated 7<sup>th</sup> of August, 2025, whereby the Tribunal has protected the present status of the Respondent-Applicant and also further directed that she shall not be replaced by a similar arrangement, therefore, in the wake of these facts and legal position, the Petitioners are left in lurch to comply with the direction of the Tribunal in absence of any vacant post against which the Respondent can be allowed to continue. Therefore, the learned Counsel submits that the Petitioners shall be satisfied in case the present Petition is disposed of with a direction to the Tribunal to decide the application filed by the Petitioners seeking modification of Order dated 7<sup>th</sup> of August, 2025, expeditiously.

06. Be that as it may, although, the Petitioners have prayed for quashment of the impugned Orders passed by the Tribunal, yet we are conscious of the fact that the Orders under challenge are interim in nature and subject to Objections from the other side. Once the learned Tribunal is seized of the matter, propriety demands that the Petitioners should approach the Tribunal and press all the available legal and factual pleas before the Tribunal. Though, the Petitioners have pleaded convincing and reasonable grounds, but still we refrain to comment upon the merits of the case as same may amount to inviting premature judicial review and, in addition, it may also contribute to docket congestion.

07. Having regard to the submissions made, looking to the nature of engagement of the Respondent and present vacancy position as canvassed at Bar, we deem it appropriate to dispose of the present Writ Petition, at this stage, with a direction to the Tribunal to make an endeavor to dispose of the application filed by the Petitioners seeking modification of Order dated 7<sup>th</sup> of August, 2025 expeditiously, preferably within a period of two weeks from the receipt of copy of this Order. Ordered accordingly. Till the application for modification is considered and decided, the proceedings in the Contempt Petition filed by the Respondent before the Tribunal, being CP No. 229/2025, shall remain in abeyance.

08. Writ Petition is, accordingly, **disposed** of in the above terms, along with the connected CM.

(SHAHZAD AZEEM)  
JUDGE

(SINDHU SHARMA)  
JUDGE

**SRINAGAR**

January 30<sup>th</sup>, 2026

"TAHIR"