

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(TH. VIRTUAL MODE)**

CJ Court

**Case No. CM No. 1689/2026 in
LPA No. 52/2026**

All J&K Unaided Private School
Coordination Committee

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

Through: Ms. Rifat Ara Butt, Adv.

Vs

State of J&K and others

..... Respondent(s)

Through: None

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

**ORDER
06.04.2026**

1. This is an application seeking condonation of delay of 3633 days in filing the accompanying appeal against judgment dated 10.02.2016, whereby Writ Petition bearing OWP No. 144/2016 preferred by the appellant was dismissed and simultaneously, the respondents were directed to ensure implementation of the directions regarding the safety of the students studying in all private schools, issued by the competent authority in accordance with the provisions of law as well as directions issued by the Hon'ble Supreme Court in Writ Petition(Civil) No. 483/2004. The appellant has also sought condonation of delay of 545 days in filing the accompanying *intra* court appeal against order dated 02.09.2024 passed by the learned Single Judge, whereby CM No. 2603/2024 preferred by the

appellant seeking implementation of undertaking recorded in order dated 10.02.2016, has been dismissed.

2. Heard learned counsel for the applicant/appellant and perused the record.
3. The record depicts that the appellant had filed the writ petition for quashing the direction No. DSEK/G5/ID/5168-73 issued by the Director, School Education, Kashmir on 15.01.2016 and Circular dated 20.01.2016 issued by the Board of School Education and further for directing the respondents to make strict compliance of the judgment passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 483/2004, titled, Avinash Malhotra vs. Union of India and others.
4. The writ petition came to be dismissed by the learned Writ Court and the appellant was left free to assail Annexure-P1, i.e. direction dated 15.01.2016(supra) by way of separate petition and the competent authority was directed to ensure protection of the Government school students as well as implementation of the directions regarding their safety throughout the State in accordance with the provisions of law as well as the decision of the Hon'ble Apex Court referred above.
5. The appellant, instead of challenging Annexure-P1 as directed by the learned Single Judge, interestingly filed an application for implementation of the judgment dated 10.02.2016 i.e. for implementing the directions issued by the learned Single Judge, which came to be dismissed vide order dated 02.09.2024.
6. A perusal of the application seeking condonation of delay reveals that no cause, much less sufficient cause, has been demonstrated by the applicant

to justify the 3633 days’ delay in challenging the order dated 10.02.2016. Notably, the applicant had previously filed an application (CM No. 2603/2024) relying upon this very order; evidently, at that stage, the applicant did not consider itself aggrieved by the same.

7. Similarly, no sufficient cause has been demonstrated by the applicant for condoning the delay of 545 days in filing the *intra* court appeal against order dated 02.09.2024. Strangely, in paragraph 11 of application CM No. 2603/2024, the applicant states that whenever they apply for a renewal of registration, they are asked to furnish NOCs for safety measures, making it a condition for the renewal of registration. The applicant cannot be permitted to approbate and reprobate by adopting contradictory stands to suit its convenience at different stages of the litigation.
8. As such, the present application is found to be devoid of any merit. Resultantly, the accompanying appeal is also dismissed. However, the appellant is left free to avail appropriate remedy as available under law.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
06.04.2026
Rakesh PS

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