

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(4828/2025) IN RP 66/2025

AALIA SHAFI SHAH

...Petitioner/Appellant(s)

Through: Ms Urba Naseer, Advocate vice
Mr. M.Y. Bhat, Sr. Advocate

Vs.

UT OF J&K AND ORS.

...Respondent(s)

Through: Mr. Shahbaz Sikander Mir, AAG for R-1 & R-4
None for others

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

11.08.2026

CM No. 4828/2025

1. This is an application seeking condonation of delay of 1183 days in filing a review petition seeking recall of the judgment dated 14th March, 2022 passed by the Division Bench of this Court in LPASW No. 128/2016 titled "*Aalia Shafi Shah Vs. State of J&K and others*", whereby the appeal preferred by the appellant has been held not maintainable and dismissed.
2. The delay is sought to be explained by pleading that the judgment was passed on 14th March, 2022, but the review petition could not be filed within a period of limitation for the reason that the petitioner was suffering from clinical depression and other health issues. She has also placed on record some prescriptions and health certificate along with the application.

3. Although the explanation tendered by the petitioner for huge delay of 1183 days is not tenable, yet, with a view to examine the merits of the review petition, we are inclined to condone the delay. The application is, thus, allowed and the delay of 1183 days is condoned.

4. *CM disposed of.*

RP No. 66/2025

5. Through the medium of this petition, the petitioner seeks review of the judgment dated 14th March, 2022 passed by a Division Bench of this Court in LPASW No. 128/2016 titled "*Aalia Shafi Shah Vs. State of J&K and others*".

6. The appeal was dismissed by the Division Bench of this Court primarily on the ground that the challenge to the Advertisement Notification issued for the post of Lecturer (10+2), Computer Science, was not maintainable when the selection pursuant to the said Advertisement Notification had been concluded and the appointment orders issued.

7. The Division Bench, however, gave liberty to the appellant to challenge the selection and appointment of the selectees made pursuant to the Advertisement Notification impugned in the writ petition. Instead of availing liberty and challenging the selection by arraying the selected/appointed candidates as party respondents, the petitioner ventured to file a review petition. The review is sought primarily on the ground that the Division Bench did not took into consideration that, despite

the selection and appointments made, there was still two posts vacant, and, therefore, the relief could have been granted to the petitioner even in the absence of the appointed candidates being arrayed as party respondents.

8. We have given our thoughtful consideration to the submissions made by the learned counsel appearing for the petitioner and have also heard learned Additional Advocate General appearing for the respondents 1 & 4. We are of the considered opinion that the alleged error pointed out by the learned counsel for the petitioner is not an error apparent on the face of record as would require us to review our concluded judgment dated 14th March, 2022. Suffice it to say that, in case the challenge of the petitioner to the Advertisement Notification succeeds, the entire selection would go. It would definitely adversely affect the candidates appointed pursuant to the said selection.
9. In view of the aforesaid, we do not find any error apparent on face of record or any other similar infirmity which would persuade us to recall our judgment. For all these reasons, the review petition is found devoid of any merit and the same is accordingly **dismissed**.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

SRINAGAR:

11.08.2026

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