

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR.

WP(C) 1773/2024

Reserved on: 11.08.2026
Pronounced on: 13.08.2026
Uploaded on: 13.08.2026

*Whether the operative part or full
judgment is pronounced: **Full***

1. Union Territory of Jammu & Kashmir
through Commissioner/Secretary to the
Government, Health and Medical Education Department,
Civil Secretariat, Srinagar/Jammu.
2. Secretary,
Jammu and Kashmir Services Selection Board,
Zum Zum Building Rambagh, Srinagar.
3. Commissioner,
Food Safety Organization, J&K, Srinagar.

...Petitioner(s)

Through: Mr. Shahbaz Sikander Mir, AAG

Vs.

1. Arshid Ahmad Lone.
S/O Abdul Majid Lone.
R/O Singhpora, Kulgam.
2. Gulzar Ahmad Khan.
S/O Abdul Gani Khan.
R/O Shopian, Near Jami Masjid.
3. Tanveer Ahmad Mir.
S/O Mohd. Yousuf Mir,
R/O Lal Bazar, Srinagar.

...Respondent(s)

Through: Mr. Zahoor A. Shah, Advocate with
Mr. Zia Ahmad, Advocate

CORAM:

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

JUDGMENT

Chief Justice (A).

1. This is a petition filed by petitioners under Article 226 of the
Constitution of India, to throw challenge to an order and judgment
dated 25th July, 2025 [*"impugned judgement"*] passed by the Central

Administrative Tribunal, Srinagar Bench (for short “*the Tribunal*”) in T. A No. 7904 of 2021, titled “*Arshid Ahmad Lone and Anr. v. State of Jammu and Kashmir and Ors*”, whereby the Tribunal has allowed a petition filed by the respondents with direction to the petitioner-Service Selection Board (for short “*the SSB*”) to forward the recommendation of the respondents to the Government for their appointment as Food Inspectors within a period of four weeks.

2. Briefly stated, the facts leading to filing of this petition are that the SSB issued an advertisement notification dated 24th December, 2020, inviting applications for the posts of Food Inspectors. The minimum qualification required for the posts was specifically prescribed in the advertisement notification itself. The respondents, possessing the qualification, except three-month training in food inspection and sampling work, applied for the posts. They participated in the selection process which culminated into issuance of select list. The respondents were selected in the Open Merit/RBA category. The recommendation of the selected candidates, i.e., respondents herein, was withheld by the SSB for the reason that they were found not possessing three-month training in food inspection and sampling.
3. Feeling aggrieved, the respondents 1 & 2 filed a writ petition before this Court which on transfer to the Tribunal came to be registered as T. A. No. 7904 of 2021. Before the Tribunal, the respondents 1 & 2 claimed that the qualification of three-month training in food inspection and sampling work was not a condition precedent but a condition subsequent to the selection. They relied upon various inter departmental communications between the SSB and the intending

department. They also placed reliance upon the Food Safety and Standards Rules, 2011, to contend that three-month training was required to be acquired after appointment and before taking up the job of Food Inspector. The Tribunal accepted the contention of respondents 1 & 2 and by placing reliance upon a judgment of the High Court of Bombay, Nagpur Bench, passed in WP No.1354/2016, allowed the T. A. and issued the directions which we have referred to in the earlier part of this judgment.

4. The petitioners are aggrieved and have called in question the impugned judgment on the ground that the Tribunal has failed to appreciate that the respondents 1 & 2 did not possess the requisite qualification, required for the post and, therefore, the SSB could not have been directed to make recommendation in favour of the ineligible candidates. It is contended by the learned counsel appearing for the petitioners that the Tribunal has also failed to appreciate that the advertisement notification in the instant case was issued on 24th December, 2010, when the Prevention of Food Adulteration Act 1954 (*the Act of 1954*), was applicable and that the qualification prescribed for the post of Food Inspector was statutory in nature.
5. Having heard learned counsel appearing for the parties and perused the record, we find that there is no dispute with regard to the fact that when the process of selection was set in motion by issue of advertisement notification dated 24th December, 2010, the appointment of Food Inspectors was governed by the Act of 1954 and the Prevention of Food Adulteration Rules 1955 (*the Rules of 1955*) framed thereunder. Rule 8 of the Rule of 1955 deals with

qualifications for Food Inspector and the same is set out below for the sanity of reference:-

“8. Qualification for food inspector.—

A person shall not be qualified for appointment as food inspector unless he:-
(a) is a medical officer incharge of health administration of local area; or
(b) is a graduate in medicine and has received at least one month's training in food inspection and sampling work approved for the purpose by the Central Government or a State Government; or
(c) is a graduate in Science with Chemistry as one of the subjects or is a graduate in Agriculture or Public Health or Pharmacy in Veterinary Science or a graduate in Food Technology or Dairy Technology from a University or Institution established in India by law or has equivalent qualifications recognized and notified by the Central Government for the purpose and has received three months' satisfactory training in food inspection and sampling work under a Food (Health) Authority or in an institution approved for the purpose by the Central Government:

Provided that the training in food inspection and sampling work obtained prior to the commencement of Rule 3 of the Prevention of Food Adulteration (Fourth Amendment) Rules, 1976, in any of the laboratories under the control of :-

- (i) a public analyst appointed under the Act, or
- (ii) a fellow of the Royal Institute of Chemistry of Great Britain (Branch E); or
- (iii) any Director, Central Food Laboratory; or the training obtained under a Food (Health) Authority, prior to the commencement of the Prevention of Food Adulteration (Amendment) Rules 1980, shall be considered to be equivalent for the purpose of the requisite training under these rules :

Provided further that a person who is a qualified Sanitary Inspector having experience as such for a minimum period of one year and has received at least three months training in whole or in parts in food inspection and sampling work, may be eligible for appointment as food inspector, upto the period ending on the 31st March, 1985 and may continue as such if so appointed even though he does not fulfill the qualifications laid down in clauses (a) to (c).

Provided also that nothing in this rule shall be construed to disqualify any person who is a food inspector on the commencement of the Prevention of the Food Adulteration (Amendment) Rules 1980 from continuing as such after such commencement.”

6. From the reading of Rule 8, it is abundantly clear that a person, to be qualified for appointment to the post of Food Inspector, must possess *inter-alia*, a three-month satisfactory training in food inspection and sampling work specified by the Food Authority or in an institution approved for the purpose by the Central Government. It was, thus, a statutory qualification prescribed under Rule 8 which was taken up by the SSB and indicated in the advertisement notification dated 24th December, 2010. From the reading of advertisement notification, it is evident that amongst other essential qualifications prescribed for the post of Food Inspector, the qualification of three-month satisfactory

food inspection and sampling work was specifically indicated. The respondents 1 & 2, being fully aware of this stipulation in the advertisement notification, did not call in question the advertisement notification or the aforesaid stipulation with regard to the qualification contained therein. They participated in the selection process despite the fact that they were ineligible and even figured in the select list. However, before the SSB could recommend their names, it came to light that the respondents 1 & 2 were not possessing the mandatory qualification of three-month training in food inspection and sampling work. The SSB, thus, declined to make recommendation.

7. In these circumstances, it is difficult for us to hold that three-month training in food inspection and sampling work is a condition subsequent to appointment. Rule 8 reproduced hereinabove, is clear and unequivocal and says that a person shall not be qualified for appointment as Food Inspector unless he fulfils, *inter alia*, the qualification of three-month training in food inspection and sampling work. The SSB had taken up the matter with the intending department, i.e., Health and Medical Education Department, and was intimated that qualification of three-month training in food inspection and sampling work was mandatory and a condition precedent for appointment of Food Inspector. It seems that the Tribunal did not consider this aspect of the matter and erroneously drew its conclusion that three-month training in food inspection and sampling work could be acquired by the appointed candidate after their appointment. The reliance placed by the Tribunal on the Food Safety and Standards Rules, 2011, is erroneous, *in that*, the selection process in question

was set in motion in the year 2010 and therefore, the selection and appointment of the Food Inspectors was governed by the Act of 1954 and the 1955 Rules framed thereunder.

8. Once a qualification for a post is statutorily prescribed, it is not open either to the employer or to the selection agency to tamper with it or relax it. The relaxation of essential qualification by the Government or the selection body is ordinarily not permissible unless such relaxation is backed by the statute laying down essential qualifications.
9. Learned counsel appearing for the respondents could not bring to our notice any statutory provision providing for relaxation of eligibility qualification.
10. For the foregoing reasons, we find merit in this petition and the same is, accordingly, allowed. The impugned order and judgment dated 25th July, 2025, passed by the Tribunal is *set aside* and as a consequence TA No.7904 of 2021 shall stand **dismissed**.

(MOHD YOUSUF WANI)
JUDGE

(SANJEEV KUMAR)
CHIEF JUSTICE (A)

SRINAGAR:
13.08.2026.
“Ab. Rashid”

Whether the judgment is reportable: Yes/No.