

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

Pronounced on: 18.04.2026

Uploaded on: 22.04.2026

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

WP(C) No.2529/2024

DR. AATIF HASSAN SANAIE & ORS.

...PETITIONERS/APPELLANT(S)

Through: - Mr. Mudasir Bin Hassan, Advocate.

Vs.

UT OF J&K & OTHERS

...RESPONDENT(S)

Through: -

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER(ORAL)

1) The petitioners through the medium of present petition have challenged Government Order No.282-JK(HME) of 2023 dated 04.04.2023, whereby selection criteria for engagement of faculty posts including Associate Professor and Assistant Professor/Lecturers in all Government Medical Colleges and Government Dental Colleges of J&K has been laid down. Challenge has also been thrown to Advertisement Notice No.02-GS of 2024 dated 23.10.2024, whereby applications have been invited for engagement of Assistant Professors in a number of disciplines/specialities on academic arrangement basis. A direction commanding the respondents to fill up the posts of Assistant Professors in Government Medical College, Srinagar,

on academic arrangement basis pursuant to the impugned Advertisement Notice on the basis of written examination, has also been sought.

2) Briefly stated, the facts emanating from the pleadings of the parties are that Advertisement Notice No.02-GS of 2024 dated 23.10.2024 came to be issued by respondent No.3 inviting applications for filling up the posts of Assistant Professors in several disciplines/specialties on academic arrangement basis for a period of one-year extendable upto six years. The selection criteria for filling up these posts has been laid down vide impugned Government Order No.282-JK(HME) of 2023 dated 04.04.2023.

3) According to the petitioners they are eligible to apply for the posts of Assistant Professors on academic arrangement basis in various disciplines as they possess the requisite qualification of Postgraduation/higher qualification. The grievance of the petitioners is that in terms of impugned Government Order dated 04.04.2023 (supra) the selection criteria laid down for the post of Assistant Professor/Lecturer is arbitrary and irrational, inasmuch as 50% of the total marks have been earmarked for merit secured in MBBS/BDS on pro-rata basis. It has been contended that the candidates secure MBBS degrees from different universities from within and outside country and there is a huge variation in the manner in

which the marks are awarded by these universities in MBBS/BDS courses. According to the petitioners, the methodology adopted by the local universities for awarding marks in MBBS/BDS courses is very strict whereas in the case of universities located in countries like Bangladesh and Philippines, the methodology of awarding marks in MBBS/BDS courses is very liberal. Thus, there is no uniformity in the manner in which the marks are awarded by various universities to the candidates appearing in MBBS/BDS courses.

4) Once 50% of the marks are earmarked for the merit secured in MBBS/BDS courses, the candidates who have passed MBBS/BDS courses from local universities are put at a disadvantageous position. It has also been contended that though the essential qualification for applying for the post of Assistant Professor is MD/MS/DNB in the relevant subject, yet no weightage has been given to the essential qualification in terms of the impugned eligibility criteria, thereby making it irrational.

5) Respondent No.3 has, in the objections filed by it, submitted that the impugned criteria for engagement of faculty posts and selection of Registrars/Demonstrators/Tutors in all Government Medical Colleges and Government Dental Colleges of J&K has been adopted/finalized after extensive consultations held with the Principals of all Governments Medical Colleges

and Government Dental Colleges of J&K, whereafter the same has been accepted by the Administrative Department. It has been submitted that since April, 2023, all engagements of faculty on academic arrangement basis in Government Medical Colleges/Dental Colleges of the UT of J&K are being made in accordance with this criteria. It has been contended that this Court cannot undertake a judicial review of the criteria fixed for selection by the Expert Committee.

6) Initially the matter was reserved for orders without reply of respondent No.1. However, in the face of the fact that the criteria for selection laid down vide Government Order dated 04.04.2023 (supra) is also under challenge, it was felt that reply of respondent No.1 is necessary for disposal of the writ petition. Accordingly, respondent No.1 was directed to file its reply. Respondent No.1 has filed its reply to the writ petition, wherein it has been submitted that the matter was examined in the Health and Medical Education Department and on analysis, it was observed that in order to bring uniformity in the selection criteria for Faculty and Residents in all the Medical Colleges and Dental Colleges, vide Government Order No.917-JK(HME) of 2022 dated 19.12.2022, a committee was constituted under the Chairpersonship of Principal, Government Medical College, Jammu and Director (Coordinator) as Member Secretary for formulation of uniform selection criteria for engagement of

faculty on academic arrangement basis. It has been submitted that after receiving inputs from concerned Principals for framing selection criteria for Faculty and Residents, impugned Government Order dated 04.04.2023(supra) came to be issued, whereby selection criteria was laid down.

7) It has been submitted that in view of the grievance projected by the petitioners, necessity was felt to revisit the selection criteria for entry level positions, namely, Assistant Professors in all Government Medical Colleges and Dental Colleges of the Union Territory of Jammu and Kashmir. Accordingly, a Review Committee was constituted in terms of Government Order No.493-JK(HME) of 2025 dated 23.07.2025 with the mandate to revisit the selection criteria for entry level posts in Government Medical Colleges and Government Dental Colleges of Jammu and Kashmir. The committee comprised Principal, Government Medical College, Jammu as Chairperson, Principal, Government Medical College, Srinagar and Principal, Indira Gandhi government Medical College, Jammu, as its members.

8) After filing of the aforesaid reply by respondent No.1, the matter was adjourned from time to time to enable the Committee to submit its report. It seems that the Committee vide its communication No.GMC/Es-1/PF/1217 dated 10.11.2025, has submitted its report, whereby recommendation

has been made that the selection procedure followed by the Jammu and Kashmir Public Service Commission is based on robust methodology and, as such, the same be followed in the selection process of entry level posts of Assistant Professor in all Government Medical/Dental Colleges in letter and spirit.

9) After the recommendations were made by the Committee constituted by the Government in terms of Government Order dated 23.07.2025 (supra), the matter was again adjourned from time to time with a view to enable the Government to change the selection criteria in accordance with the recommendations made by the Expert Committee. However, no decision has been taken by the Government in the matter till date.

10) In the meanwhile, the respondents filed an application bearing CM No.6843/2025 seeking early disposal of this writ petition. In the said application, it has been submitted that because of pendency the writ petition, the recruitment process for essential hospital staff has been put on hold thereby seriously affecting the functioning of hospitals and patient care service across the State.

11) In view of the above, the matter has been taken up for final disposal without waiting for the Government to issue an order for modifying the selection criteria in tune with the recommendations of the Expert Committee.

12) Heard and considered.

13) There can be no dispute to the legal position that essential qualifications for appointment to a post are for the employer to decide. Similarly, the criteria for selection is a matter which is within the domain of the employer because it is the employer who is best suited to decide the requirements a candidate must possess according to the needs of the employer and the nature of work. The Court cannot lay down the conditions of eligibility or the criteria for selection. However, if the criteria is patently irrational, perverse and capricious, definitely the Court can interfere in appropriate cases.

14) Turning to the facts of the present case, in terms of the impugned Advertisement Notice dated 23.10.2024, applications were invited for filling up the posts of Assistant Professors in various disciplines. The essential qualification for a candidate to be eligible in terms of the said Advertisement Notice is MD/MS/DNB in the concerned subject with one year teaching experience as Senior Resident in the concerned subject in a recognized/permitted Medical College after acquiring MD/MS/DNB degree.

15) So far as the criteria for selection to the posts of Assistant Professor, which is the subject matter of present case, is concerned, the same has been laid down vide Annexure-C to the impugned Government Order dated 04.04.2023. The

assessment criteria for selection laid down in respect of the posts of Assistant Professor/Lecturer is reproduced as under:

S. No.	Description	Points
ACADEMIC QUALIFICATION		
1	On pro-rate basis with reference to marks in MBBS/BDS.	50
SPECIAL ATTRIBUTES		
2.	Research Publications: Credit for original Research papers published (only original papers, meta-analysis, systematic reviews and case series that are published in journals indexed in Medline, PubMed, Central Science Citation Index, Science Citation Indes, Expanded Embase, Scopus, Directory of Open Access Journals (DoA) will be considered. The weightage shall be calculated @05 point per published/accepted paper beyond minimum required publication.	20
3	Participation with oral presentation of paper(s) in a National/International seminar/conference/workshop relevant to the discipline with the abstract/full paper published in the proceeds/souvenir of the seminar/conference/workshop. The weightage shall be calculated @01 point for each paper presented.	10
4.	Participation with poster presentation of paper(s) in a National/International seminar/conference/workshop relevant to the discipline with the abstract/full paper published in the proceedings/souvenir of the seminar/conference/workshop. The weightage shall be calculated @ 01 point for each paper presented.	10
5.	Credit for writing a Book or a chapter in a book of the speciality concerned as any author (foreign Book/National Book published with ISBN/ISSN) and assessed by the subject matter expert to be relevant to the subject and of a level where it can be accepted as a reference material for the post applied for. The weightage shall be calculated @ 0.1 point for each Bool.	05
6.	Gold Medal for overall first position in MBBS/BDS	03
7.	Distinction in any subject in MBBS/BDS	02
Total		100
Note:		
1. The post graduate qualification of MD/MS/DNB or higher qualification MCh/DM/DNB (Super Speciality? Shall be mandatorily required as per the eligibility8 criteria of the post.		
2. 2 years' experience against tenured position in a Government/Government recognized institution including the institution authorized/recognized by MCI/DCI/NMC shall also be mandatory.		
3. Mandatory norms of NMC/DCI for faculty appointment in broad specialities/super specialities shall be applicable.		

4. In case of a tie, candidates with higher academic merit shall be preferred. In case the tie remains unbroken, candidate with higher age shall be preferred.	
--	--

16) From a perusal of the afore-quoted assessment criteria, it is clear that 50 points have been earmarked for the marks in MBBS/BDS course on pro-rate basis. Even though postgraduate qualification of MD/MS/DNB or higher qualification of MCh/DM/DNB (Super Speciality) has been laid down as a mandatory requirement, yet no weightage has been given to such qualification. Without giving any weightage to the essential qualification, the criteria adopted in terms of the impugned Government Order becomes arbitrary and irrational. The petitioners are right in their submission that earmarking 50 out of 100 points to the merit obtained in MBBS/BDS degree, which is not the basic qualification for applying for the post in question, without giving any weightage to higher qualification is arbitrary and irrational. In these circumstances, it is well within the jurisdiction of this Court to interfere into the impugned assessment criteria laid down by respondent No.1 for selection to the post of Assistant Professor/Lecturer.

17) Another aspect of the matter that has been brought to the notice of this Court by the petitioners is that in the case of tenured posts of Senior Residents/Tutors in Government Medical College and Government Dental College, respondent No.1, in terms of Government Order No.383-JK(HME) of 2024

dated 20.06.2024, has provided that the selection shall be made on the basis of written test for all these posts. The said order has been issued in supersession of previous orders on the subject. A similar approach has not been adopted by respondent No.1 for making selection to the posts of Assistant Professor/Lecturer.

18) Apart from the above, now we have before us the report of the Expert Committee constituted by respondent No.1 in terms of Government Order 493-JK(HME) of 2025 dated 23.07.2025, which has gone into the issue relating to review of selection criteria for entry level Assistant Professor posts on academic arrangement basis in Govt. Medical Colleges and Dental Colleges of J&K. The Expert Committee, after deliberating upon the issue, has reached a conclusion that the selection methodology followed by the J&K Public Service Commission needs to be followed in the selection process of entry level posts of Assistant Professor as well.

19) As per the methodology adopted by the J&K Public Service Commission, the selection to these posts is made on the basis of a written test. In the face of the recommendations of the Expert Committee constituted by none other than respondent No.1 itself, the respondents have no other option but to modify the selection criteria in accordance with the recommendations of the Expert Committee.

20) In view of the foregoing discussion, the writ petition is disposed of by quashing the selection criteria laid down in terms of Government Order No.282-JK(HME) of 2023 dated 04.04.2023, in so far it pertains to the assessment criteria for selection to the posts of Assistant Professor/Lecturer. The respondents are directed to implement the recommendation of the Expert Committee made vide communication dated 10.11.2025 and make appropriate modification to impugned Government Order dated 04.04.2023. After making appropriate modification to the selection criteria, the respondents shall be at liberty to take forward the selection process pursuant to impugned Advertisement Notice No.02-GS of 2024 dated 23.10.2024 but before doing so, the respondents shall publish the modified criteria and extend the date of submission of applications appropriately so as to allow the prospective candidates enough time to participate in the selection process.

(Sanjay Dhar)
Judge

SRINAGAR

18.04.2026

“Bhat Altaf-Szegy”

Whether the **Order** is speaking: **YES**

Whether the **Order** is reportable: **YES/NO**