

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

Case: RP No. 93/2024 in
WP(C) No. 2775/2023
Shafaquat Ara Petitioner(s)/Appellant (s)

Through :- Mr. Altaf Haqani, Sr. Advocate with
M/s. Asif Wani and Muneeba, Advocates

v/s

U.T. of J&K & Anr. Respondent(s)

Through :- Mr. G N Sofi, Dy.AG

**CORAM: HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

**ORDER
27.08.2026**

1. This is a petition by the Review Petitioner seeking review of the judgment dated 25.11.2024, passed by this Court in WP(C) No. 2775 of 2023 titled '*U.T. of J&K & Ors. vs. Shafaquat Ara*', whereby this Court has allowed the writ petition filed by the respondents-*Union Territory of Jammu & Kashmir and others* and set aside the judgment passed by the Central Administrative Tribunal, Srinagar [for short 'The Tribunal'] declaring the review petitioner herein entitled to be considered for appointment as Principal, Government Polytechnic.
2. The review of the judgment is sought, primarily, on the ground that at the time of disposal of the writ petition, relevant material could not be brought to the notice of the Court, which unequivocally and unerringly pointed out that B.Sc/M.Sc (Home Science) is a qualification equivalent to the Bachelor's degree in Engineering.
3. Our attention was drawn by Mr. Altaf Haqani, learned Senior counsel appearing for the Review Petitioner, to the information received by one Arooba Rafiq Bhat, in response to the application filed under the Right to

Information Act, 2005, before the different Authorities. As per the documents received by the Review Petitioner after the disposal of the writ petition, the J&K Public Service Commission had written a Communication to the Commissioner/ Secretary to the Government, Department of Higher & Technical Education dated 02.01.2004, soliciting the opinion of the latter with regard to certain qualifications, including the qualification of M.Sc Home Science (Food and Nutrition) and P.G. Diploma in Fruit and Vegetable Preservation. There is also a communication dated 10.01.2004, from the Deputy Director General, Technical Education, to the similar extent.

4. There is another communication dated 18.01.2004, made by the Principal, Govt. Polytechnic for Women, Srinagar to one D.C. Sarkar, Professor & Head of the Department of Food Technology, Sangrur, Punjab, which was responded to by the latter in the following manner:-

“The minimum qualification for candidates should be M.Sc (Food Science & Technology/ Food & Nutrition) or B.Tech (Food Technology).”

5. There is another communication of the Additional Secretary to Government, Department of Higher & Technical Education dated 21.07.2004, addressed to the Secretary, Public Service Commission, Srinagar, with the following observations:

“As per Appendix-B, the qualification prescribed for Lecturer Grade-I & II seems to be similar as notified by this department vide SRO No. 328 of 2002 dated 29.08.2002.”

6. On the basis of this material, Mr. Haqani, learned Senior counsel for the petitioner, would urge that had these communications been brought to the notice of this Court, the result of the petition would have been different. He submits that these communications had clearly declared that the qualification of B.Sc. Home Science or M.Sc. Home Science is equivalent to a Bachelor's Degree in Engineering and, therefore, the review petitioner was eligible to be appointed as Principal in the Government Polytechnic College.

7. He further asserts that this information could not be produced by him despite due diligence at the time of consideration of the matter. He, however, procured the same through somebody else applying for information under the Right to Information Act.
8. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment passed by this Court turned upon the interpretation of Jammu & Kashmir Technical Education (Gazetted) Service Recruitment Rules, 2002 [“Rules of 2002”], notified vide notification dated 29.08.2002, in terms whereof the post of Principal in Polytechnics is required to be filled up by selection from Class-III Category A&B, possessing a minimum qualification of a degree in Engineering or equivalent with five years’ experience as such. The Rules, further, provide that a Master’s Degree in Engineering/Technical Education or equivalent would be entitled to preference.
9. Having regard to the nature of the qualification possessed by the review petitioner, we, after considering the Rule position, have come to a definite conclusion that B.Sc. Home Science or M.Sc. Home Science cannot, by any stretch of reasoning, be treated as a Degree equivalent to a Degree in Engineering.
10. We have rightly held that there is no specific or categorical declaration made by the employer, i.e., the Government of Jammu and Kashmir through the Department of Higher and Technical Education declaring B.Sc Home Science or M.Sc. Home Science as a Degree equivalent to a Degree in Engineering.
11. We have gone through the material now placed on record by the review petitioner in the present petition, and are of the firm opinion that none of the communications unequivocally declares the qualification of B.Sc Home Science/ M.Sc Home Science etc., as qualifications equivalent to a Degree in Engineering.

12. We have very elaborately discussed the issue in the judgment sought to be reviewed and have come to the conclusion that the degrees like B.Sc Home Science or M.Sc Home Science cannot be treated as qualifications equivalent to a Degree in Engineering that too in the absence of such declaration by the appointing authority.
13. Needless to say, that the qualification equivalent to the Degree in Engineering has to be read as *ejusdem generis*. The qualifications such as B.A. Urdu, B.A. Hindi, B.A. English or B.Sc Home Science etc. have no nexus with the discipline of engineering or technology and, therefore, such qualifications cannot be declared equivalent qualification. This is exactly what we have said after detailed discussion on the rival contentions raised before us by the learned counsel appearing on both sides.
14. For the foregoing reasons, we do not find any error apparent on the face of the record nor do we find that there is any material that has emerged after pronouncement of the judgment, sought to be reviewed, which would persuade us to change our view and pass a judgment different from the one, which is sought to be reviewed.
15. For all these reasons, we found no merit in this review petition and the same is, accordingly, ***dismissed***.

(RAJESH SEKHRI)
JUDGE

(SANJEEV KUMAR)
CHIEF JUSTICE (A)

JAMMU
27.08.2026
Suraj K. Singh