Sr. No. 32

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Date of Pronouncement : 02.11.2026
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CJ Court

Case: LPA No. 32/2024
CM No. 948/2024

Dular Singh .....Appellant(s)/Petitioner(s)

Through :- Mr. P.N. Bhat, Sr. Advocate with
Ms. Urvashi Kichloo, Advocate

v/s

UT of J&K and others .....Respondent(s)

Through :- Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Assisting Counsel for R-1 to 4
Mr. Achal Sharma, Advocate for R-5

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

ORDER (ORAL)

Dr. Pushpendra Singh Bhati, CJ

1. The controversy being raised is regarding the Village Level Committee inviting applications from eligible candidates for filling up two posts of Rehbar-e-Taleem Teachers for Primary School, Julloo and Primary School Shingni in District Doda. The counsel for the appellant submits that the respondent No. 5 was at Serial No. 9 in the Panel and the present appellant was at Serial No. 3 in the Panel and, therefore, as per the Rehbar-e-Taleem Scheme, he was to get priority for the appointment. Counsel for the appellant submits that the Hon'ble Single Bench has wrongly relied upon the provision providing for preference to Scheduled

Tribe candidate, whereas the consideration should have been made purely on merits. Counsel for the appellant further submits that Scheduled Tribe status was to be given due consideration but not over and above the merit.

2. Counsel for the appellant also submits that the claim of appellant is not a fresh claim and, therefore, would not be hit by closure of the Scheme, but his contest is for a panel, which was there and in the panel he in his own rights was required to be appointed.

3. Counsel for the respondents has drawn the attention of the Court towards the judgment passed on 14.10.2024 by the Hon'ble Apex Court in ***"UT of Jammu and Kashmir & Ors. versus Jatinder Singh & anr."***. The relevant part of which reads as under:-

> In our view, however, the case of the State Government has not been fully considered by the Division Bench of the High Court inasmuch that the appointments of the Primary School Teacher have now to be made under the Right to Education Act and the Scheme and the Regulations framed therein by the Nodal Agency i.e. National Council for Teacher Education [NCTE]. The qualifications which have been fixed by NCTE are Diploma in Education and the candidate should also have passed the Teachers' Eligibility Test, both of which the present respondent no.1 does not possess. It is an admitted fact that though, the respondent No.1 was seeking an appointment under the relaxed scheme of Rehbar-e-Taleem, which was applicable at that point of time, however, it is not the case that the respondent was already taking classes in school, and sought only regularization under the said Scheme.
>
> It is also an admitted fact that the respondent has no teaching experience and is now 42 years of age and, therefore, it will not be practical to appoint the petitioner as teacher on a selection process which was held 14 years earlier.
>
> The focus under the Right to Education Act, which is presently also applicable in the Union Territory of Jammu and Kashmir, is on quality education to the children and not on giving jobs to the unemployed. Under these circumstances, we find that the impugned order of the High

Court cannot be sustained. The appeal is hereby allowed and the order dated 11.03.2019 is set aside.

Pending interlocutory application(s), if any, is/are disposed of."

4. This Court, after hearing learned counsel for the parties, finds that the appellant is about 59 years of age now and, thus, it shall not be practical for him to contest the panel, which was decided way back in 2003. The respondent No. 5 was given appointment in 2003 and his services have already been regularized, as the Scheme permitted such regularization, whereas now about 23 years ahead, when the appellant himself is 59 years of age on the analogy drawn from the Hon'ble Apex Court in the matter of *UT of Jammu and Kashmir & Ors. versus Jatinder Singh & anr. (supra)* does not permit the Court to make any further adjudication, no further relief in the given factual matrix is possible.

5. The appeal is, accordingly, ***dismissed***.

(RAJNESH OSWAL)
JUDGE

(DR. PUSHPENDRA SINGH BHATI)
CHIEF JUSTICE

JAMMU :
02.11.2026
Pawan Chopra, Secy

Whether the order is speaking? : Yes/No
Whether the order is reportable? : Yes/No

Pawan Chopra
2026.11.03 14:12
I attest to the accuracy and
integrity of this document