Sr. No. 44

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court
Case: WP(C) No. 957/2025
c/w
WP(C) No. 3656/2025

Pankaj Sadotra. …Petitioner (s)/Appellant(s)

Through: Ms. S. Kour, Sr. Advocate with
Mr. Micheal Singh Dogra, Advocate.

V/s

Sher-e-Kashmir University of Agricultural Sciences and Technology Jammu and anr. …. Respondent(s)

Through: Mr. Anil Khajuria, Advocate.

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

ORDER
02.11.2026

(ORAL)

1. The matter comes up on two writ petitions WP(C) Nos. 957/2025 & 3656/2025) against the common order dated 01.04.2025 passed by the Central Administrative Tribunal, Jammu Bench, Jammu (for short '**the Tribunal**') in TA No. 176/2024 (*Pankaj Sadotra vs Sher-e- Kashmir University of Agriculture Sciences & Technology (SKAUST) & Ors.)* in which the following directions have been issued:

> *i. The respondents are directed to operate the waiting list and appoint the petitioner against the post that remained unfilled due to the non-joining of a selected candidate.*
> *ii. If the candidate ranked higher than the petitioner in the waiting list refuses to join, the respondents are directed to appoint the petitioner to the post of Field-Cum-Laboratory Assistant (FCLA) forthwith.*
> *iii. The respondents are further directed to complete this process within eight weeks from the date of this judgment.*

2. The facts as noticed by this Court are that the recruitment was conducted for the post of Field-Cum-Laboratory Assistant (FCLA) in Sher-e-Kashmir University of Agriculture Sciences & Technology pursuant to Advertisement Notification No. 01 of 2008 dated 15.02.2008. But the same was cancelled through notification no. 06(Est) of 2008 dated 16.12.2008, wherein fresh applications were invited for the said post. The petitioner reapplied and participated in the test conducted by the respondents. The claim of the petitioner is that he was figuring in the Wait List and despite the fact that one candidate had not joined, the Wait List was not operated.

The situation gets aggravated as while it is the admitted fact that in the recruitment, the petitioner is in Wait List figuring at Serial no. 2 and the candidate figuring at Serial No. 1 has neither approached this Court nor has given his refusal for being appointed. However, learned counsel for the respondent-University submits that he has not approached the Court but has, in fact, approached the University for seeking the operation of Wait List after a prolonged delay in recruitment of the year 2008.

3. The counsel for the petitioner submits that the person concerned figuring in Wait List at No. 1 was a fence- sitter and, thus, could not have claimed any benefit. Hence, the Tribunal was wrong in passing an order whereby it has directed ***if the first person in the Wait List refuses to join then only his case will be considered***.

Learned counsel for the petitioner submits that such a condition has left the candidate high and dry because the person higher in merit has neither approached this Court nor being a party anywhere, is approaching, at this stage, and his belated response cannot be allowed to jeopardize the judgment which has been earned in favour of the petitioner.

4. The respondent-University submits that predicament of the University is that the candidate higher in merit never sought to enforce his right through litigation. It is only in the wake of the recent judgment that he has abruptly sought to revive his

claim regarding the 2008 recruitment cycle for the post of Field-Cum-Laboratory Assistant (FCLA). The University further contends that no regulatory provision exists for the operation of a waiting list.

5. After hearing learned counsel for the parties, this Court finds that the operation of the Wait-List, which has been dealt by the Tribunal has, in fact, created an anomaly because the person, who was higher in the waiting list without contesting in the Courts, is trying belated consideration, as per the University, for a recruitment process which had arisen out of an advertisement Notification No. 01 of 2008 for the post of Field-Cum-Laboratory Assistant (FCLA) and, thus, such kind of direction would not only cause distress to the selection module but also render such relief impossible to grant at a belated stage now by seeking operation of wait List without contesting the same whereas the actual contestant is lower in the merit. Moreso, it is also contended by the respondent –University that no regulatory provision exists for the operation of a waiting list. Thus, such an order passed by the Tribunal for recruitment process of 2008 cannot be sustained.

6. Hence, the impugned order passed by the Tribunal is set aside. Consequently, the petition filed by the University being WP(C) No 3656/2025 is allowed. The connected petition is also disposed of.

(RAJNESH OSWAL) JUDGE **(DR. PUSHPENDRA SINGH BHATI) CHIEF JUSTICE**

Jammu
02.11.2026
Sunita

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I attest to the accuracy and
integrity of this document