S. No. 14

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

SWP No. 412/2014
IA No. 584/2014

Mohd Khurshid …..Petitioner(s)

Through: Mr. Rohit, Advocate vice
Mr. Ch. Nayaz Ahmed Naz, Advocate

State of J&K & Ors ….. Respondent(s)

Through: Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Advocate

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
(20.11.2026)

01. The petitioner through the medium of instant petition has sought the following reliefs:-

i) Writ of Mandamus commanding upon the respondents to appoint the petitioner as Rehbar-e-Taleem Teacher in Government Primary School, Mohalla Ferozalian, Block Balakot, Tehsil Mendhar, District Poonch on the analogy of similarly circumstanced candidates.

ii) Such other relief which this Hon'ble Court deems fit and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner and against the respondents.

02. The specific case of the petitioner is that he was engaged as 2nd EV Guide by respondent No.3 vide Order bearing No. ZEE/SSA/289 dated 16.04.2005 in the then existing EV Centre, Mohalla Bengali, Block Balakot, Tehsil Mendhar, District Poonch. It was also ordered vide the same order that the petitioner would be paid Rs.1,000/- per month.

Pursuant to the aforesaid order dated 16.04.2005, the petitioner continuously worked as EV Guide in the said Centre till it was upgraded/merged with the Primary School, Mohalla Ferozalian, by the Government, i.e., upto 02.06.2010. It is further submitted that the petitioner has even been working as EV Guide in the said merged school, but without any wages.

03. The specific case of the petitioner is that, after the merger of the EGS Centre, Mohalla Bengali, with the Primary School, Mohalla Ferozalian, he approached the respondents for consideration of his engagement as Rehbar-e-Taleem Teacher in the said merged school. It is further submitted that respondent No.4 initiated a process of verification of the engagement of the petitioner as 2nd EV Guide in the EGS Centre, Mohalla Bengali, and sought a report from Mehmood Ahmed, CRP, Cluster No.7, Bhata Dhurian, with a direction to furnish a detailed report to the office of respondent No.4 after conducting a public meeting regarding the opening of the EGS Centre at Mohalla Bengali and the engagement of the 1st EV and 2nd EV, along with their names. The Cluster was further directed to report the present status of the said Centre and the EVs engaged therein. Respondent No.4 also directed that the report should be based upon public witnesses. Pursuant to the directions of respondent No.4, the concerned Cluster submitted its report dated 08.07.2011, wherein it was reported that the EGS Centre was functional w.e.f. 01.04.2004 and that the 2nd engagement was made on 16.04.2005 under Order No.289 dated 16.04.2005. The said report bears

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the signatures of the witnesses, including the Sarpanch and Nambardar of the locality.

04. The specific case of the petitioner is that the petitioner having been engaged by the respondents as EV Guide in EGS Centre, Mohalla Bengali has been paid his wages @ Rs.1000/- continuously upto 2010, but the respondents were denying the benefits of engagement of the petitioner as Rehbar-e-Taleem on the analogy of the similarly circumstanced EVs who have been engaged as Rehbar-e-Taleem by the respondents in clandestine manner. Feeling aggrieved of the same, the instant petition has been filed.

05. *Per Contra*, the reply stands filed on behalf of official respondents in which the respondents have taken a specific stand that the petitioner was never engaged as EV in any EGS Centre of the Zone Balakote and was not figuring in the official record of respondent No.4-Zonal Education Officer, Balakote. The respondents while filing reply affidavit have taken specific stand that the engagement order annexed as Annexure A was not borne from the official record of respondent No.4 and the petitioner has managed his EV engagement order at his own level. In addition, it is specific stand of the respondents that the documents which have been enclosed by the petitioner are false and fabricated and the contents whereof have also been denied. The respondents have also taken a specific stand that since the petitioner was never engaged as EV in any EGS Centre, therefore, the question of consideration of the petitioner's case for engagement as Rehbar-e-Taleem does not arise, more particularly, when the scheme has since been closed.

06. The respondents with a view to corroborate whether the certificates which have been placed on record are genuine have also done the verification regarding the engagement of the petitioner and the concerned Zonal Education Officer has established that the petitioner was not engaged as EV in the said Centre and has managed fabricated documents which have been placed on record in the instant petition. In addition, the respondent No.3-Chief Education Officer has also sought detailed report regarding status of the petitioner vide communication dated 27.06.2012 and the respondent No.4-Zonal Education Officer, Balakote has submitted a detailed report in this regard vide communication No. ZEOB/SSA-653 dated 30.07.2012 and the Zonal Education Officer, Balakote while submitting the report in the year 2004 has submitted that only one Education Volunteer namely Qumer Din was engaged and the petitioner was not figuring anywhere in the record of respondent No.4. Therefore, the claim of the petitioner that the petitioner was engaged is false and liable to be rejected.

07. Mr. Raman Sharma, learned AAG appearing along with Ms. Saliqa Sheikh, learned assisting counsel submits that the petition even otherwise also has been rendered infructuous in light of the law laid down by the Hon'ble Apex Court in case titled ***"Union Territory of Jammu and Kashmir & Ors vs Saba Wani"*** with particular reference to the prayer clause to the petition where the petitioner is seeking appointment as Rehbar-e-Taleem on the analogy of the similarly circumstanced candidates when the said scheme has since been closed. The petitioner even otherwise also cannot derive the benefits in terms of the judgment passed by the Hon'ble Apex Court in

"Union Territory of Jammu and Kashmir & Ors vs Saba Wani" as the petitioner is not figuring in the select panel which could have given a justifiable cause to the petitioner to have sought any benefit arising out of the law laid down by the Hon'ble Apex Court. Even the petitioner without disclosing the name of the persons on whose analogy, the petitioner was seeking similar benefits has not specified the name and on the basis of the vague averment, the plea of the petitioner cannot sustain when the respondents have already denied that the certificates on which the reliance has been placed by the petitioner are fake and have not been issued by the respondents.

08. Heard learned counsel for the parties at length and perused the record.

09. From a bare perusal of the averments pleaded in the instant petition, coupled with the material placed on record and the stand taken by the respondents, this Court is of the view that the instant petition, with the afflux of time, has rendered infructuous. The relief sought by the petitioner, in the light of the judgment passed by the Hon'ble Apex Court in Saba Wani's case (supra), cannot be acceded to at this stage, as the said scheme has since been closed. Even otherwise, the petitioner has no unfettered right to seek appointment as Rehbar-e-Taleem Teacher, particularly when the very issuance of the order of his engagement as Education Volunteer, on which the petitioner has placed reliance, has been denied by the respondents, who have specifically taken a stand that the documents accompanying the petition are fake and have not been issued by them.

10. Without going into the genuineness of the aforesaid documents, this Court

keeping in view the nature of the relief sought and the rider imposed by the Hon'ble Apex Court in Saba Wani's case supra with particular reference to the averments pleaded in the instant petition, is of the view that the instant writ petition is not maintainable as the relief which has been prayed by the petitioner at this stage in the light of the rider imposed by the Hon'ble Apex Court in Saba Wani's case supra cannot be acceded to. Therefore, the writ petition which is devoid of any merit deserves dismissal and the same is dismissed along with all connected application(s).

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
20.11.2026
Vijay

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सत्यमेव जयते

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

Vijay Kumar
2026.11.26 13:16
I attest to the accuracy and
integrity of this document