Serial No. 26

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CPSW No. 644/2017 in
SWP No. 1356/2017

Sharaz Akhtar. .....Appellant(s)/Petitioner(s)

Through: Mr. Ajay Abrol, Advocate

Ravinder Singh, Director School Education and ors. ..... Respondent(s)

Through: Mr. Raman Sharma, AAG

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

ORDER
20.11.2026

1. The instant contempt petition arises out of an order/judgment passed by the learned writ court dated 31.05.2017 by virtue of which, the writ petition preferred by the petitioner was disposed of with a direction to complete the engagement process without any further delay, provided there is no other legal impediment in the matter. Mr. Raman Sharma, learned AAG submits that since there is a legal impediment coming in the way of the respondents to implement the order/judgment passed by the learned writ Court, the order passed by the learned Single Judge could not be complied with, with particular reference to the judgment passed in ***UT of J&K and ors. Vs. Saba Wani***; ***2026 INSC 439***. He fairly submits that in the light of the rider imposed by the Hon'ble Apex Court, the engagement process cannot

be completed in the instant matter and therefore, he prays that the proceedings in the contempt petition be closed.

2. At this stage, learned counsel for the petitioner has drawn attention of this Court to the order passed by the learned writ Court whereby it has been reflected that the petitioner figures at Serial No. 1 in the merit wise panel prepared by the authority and since the engagement process was stayed by the Coordinate Bench in SWP No. 1863/2012, therefore, the process could not be finalized. However, learned counsel for the petitioner further submits that the said writ petition was disposed of vide judgment dated 28.08.2014 and therefore, the respondents were under legal obligation qua the petitioner to finalize the engagement process and since the same was concluded, the aforesaid direction came to be passed by the learned writ Court.

3. Mr. Raman Sharma, learned AAG further submits that he has no objection in considering the case of the petitioner provided the petitioner figures in the final select panel, if approved by the competent authority i.e. Director, School Education and in that eventuality, the respondents shall accord necessary consideration strictly in conformity with the judgment passed by the Apex Court in Saba Wani's case.

4. In the aforesaid backdrop, no fruitful purpose would be served by keeping this contempt petition alive.

5. Accordingly, the contempt petition is disposed of by directing the respondents to accord necessary consideration to the case of the petitioner strictly in conformity with the law laid down by the Apex Court in Saba Wani's case in case the petitioner figures in the final select panel and the said select panel is approved by the competent authority and in case, there is no other legal impediment in according such consideration.

6. Let the entire exercise be completed with a period of four weeks from today and outcome of the said consideration be conveyed to the petitioner through registered post.

7. The proceedings in the contempt petition, in the aforesaid backdrop are closed.

8. Rules, if any, framed shall stand discharged.

9. Needless to say that in case, if the order of consideration goes against the petitioner, the petitioner will be at liberty to work out his remedy in accordance with law, if permissible.

(Wasim Sadiq Nargal)
Judge

Jammu
20.11.2026
Tarun

Tarun Kumar Gupta
2026.11.21 14:42
I attest to the accuracy and
integrity of this document