Sr. No. 88

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court

Case: WP(C) No. 3534/2026
CM No. 7872/2026

UT of J&K & ors. .....Appellant(s)/Petitioner(s)

Through :- Mr. Meharban Singh, AAG

v/s

Shamim Akhter .....Respondent(s)

Through :- Mr. Anuj Dewan Raina, Advocate

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

ORDER
04.11.2026

1. At the threshold, the counsel for the respondent submits that the controversy is no more *res integra* as the same has been decided by the Hon'ble coordinate Bench of this Court in the writ petition WP(C) No. 3022/2026 on 21.09.2026. Relevant part reads as follows:-

> "06. Having heard learned counsel for the parties and perused the material available on record, we are of the considered opinion that the judgment passed by the Tribunal is perfectly legal and in accordance with the law and, therefore, does not call for any interference by us in exercise of extraordinary jurisdiction vested under Article 226 of the Constitution of India.
>
> 07. There is no dispute with regard to the fact that the respondents were eligible to be appointed as supervisors at the time, they were made in-charge supervisors. It is also not in dispute that the posts in their quota i.e. quota meant for graduate Anganwadi Workers, were also available. Respondents were made in-charge supervisors only because of inability of the petitioners to convene DPC. Had the petitioners taken immediate steps to fill up the post of supervisors in the promotional quota as Anganwadi Workers in time, the respondents would have been regularly appointed as supervisors in the year 2018 itself.
>
> 08. Mr. Ravinder Gupta, learned AAG does not dispute that since the time, the respondents were made in-charge supervisors, they have been continuously performing their duties as supervisors.

That being the position, the ratio of the judgment rendered by the Supreme Court in "Suraj Prakash Gupta & Ors. v. State of J&K & Ors., (2000) 7 SCC 561" is clearly applicable.

09. That apart, we cannot lose site of the fact that similarly situated matriculate Anganwadi Workers, who were also placed as in-charge supervisors in the promotional quota meant for them, were later regularized/appointed as supervisors retrospectively from the date they were holding the post of supervisors in in-charge capacity. This is evident from Government Order No. 42 SMD of 2021 dated 25.01.2021. It is, thus, evident that in the matter of grant of retrospective benefit the respondents were subjected to hostile discrimination.

10. We could not find out any valid reason for denying them the relief of retrospective promotion viz-a-viz, the matriculate Anganwadi Workers, who were similarly placed and were made supervisors retrospectively from the date they were holding the post of supervisor in the in-charge capacity.

11. For the reasons given above and also the reasons contained in the judgment rendered by the Supreme Court, we could not find any fault in the impugned judgment.

12. This petition is found to be devoid of any merit and the same is, therefore, dismissed."

2. The counsel for the petitioner is unable to refute the judgment and also is unable to point out any distinguishing factor from the aforesaid judgment.

3. The petition is, accordingly, ***dismissed*** in the same terms.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

(RAJNESH OSWAL) JUDGE

(DR. PUSHPENDRA SINGH BHATI) CHIEF JUSTICE

JAMMU
04.11.2026
Pawan Angotra

Pawan Angotra
2026.11.05 10:01
I attest to the accuracy and
integrity of this document