Serial No.46
Supplementary Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

Reserved on : 18.11.2026
Pronounced on : 25.11.2026
Uploaded on : 26.11.2026
Whether the operative part or full judgment is pronounced: Full

LPA No. 280/2026
CM No. 8029/2026
Caveat No. 2727/2026

Rameez Ahmad Khan. ...Appellant/Petitioner(s)

Through: Mr. Syed Faisal Qadiri, Sr. Advocate with
Mr. Mir Adnan Zahoor, &
Mr. Numan Zargar, Advocates.

Vs.

UT OF J&K AND OTHERS. ...Respondent(s)

Through: Mr. Parvaiz Lone, Advocate for Caveat/Respondent No. 6

CORAM:
HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

JUDGEMENT
25.11.2026

Sanjeev Kumar 'J':

01. Impugned in this intra-court appeal, filed by the appellant under Clause 12 of the Letters Patent, is an order and judgment dated 13th October 2026 passed by the learned Single Judge of this Court [(the Writ Court)] in SWP No. 475 of 2009 titled *Rameez Ahmad Khan versus School Education (State Government)*.

02. In terms of the judgment impugned, the Writ Court has dismissed the writ petition filed by the appellant as having

been rendered infructuous in view of the judgment of the Hon'ble Supreme Court in *Union Territory of Jammu and Kashmir and others versus Saba Wani*, 2026 INSC 439.

03. Before we advert to the grounds of challenge urged by the appellant to assail the judgment impugned, we deem it appropriate to set out a few facts as are relevant to the disposal of this appeal.

04. Respondent No. 5, the Zonal Education Officer, Boniyar, issued an advertisement notification bearing No. ZEOB/628 dated 14th of July 2008, inviting applications for the engagement of Rehbar-e-Taleem (ReTs) in various primary and middle schools, which included two posts of ReT in Boys Primary School (BPS), Prankutran. The appellant, claiming to be a resident of Patwar Halqa Bela Salamabad and possessing the requisite eligibility, applied for the post along with other candidates.

05. As is the case set up in the petition, there were only two eligible candidates from revenue village Prankutran who had applied for the post in question, and the appellant was second in the order of merit. It was thus contended that it was the appellant, and the appellant alone, who was entitled to be selected and appointed against the second post of ReT for BPS Prankutran. The appellant was, however, aggrieved of the manner in which the panel was prepared by the

respondents, in which the name of Respondent No. 6, Parveez Ahmad Mir, was included, while the name of the appellant did not figure in the panel. It is alleged that the superior academic merit of the appellant was ignored to confer wrongful benefit upon Respondent No. 6, who did not belong to village Prankutran or Patwar Halqa Bela Salamabad.

06. Feeling aggrieved by the panel published in the daily newspaper *Daily Uzma* on 9th of March 2009, the appellant filed SWP No. 475 of 2009 before this Court, seeking, *inter alia*, a writ of *certiorari* for quashing the panel published in *Daily Uzma*; a writ of *prohibition* restraining the official respondents from selecting Respondent No. 6 as ReT in village Prankutran, Halqa Bela Salamabad; and a writ of *mandamus* directing the official respondents to appoint the appellant as ReT in BPS Prankutran, being the only eligible candidate left in the fray.

07. While this petition was pending, the Government of Jammu and Kashmir came up with Government Order No. 919-Edu of 2018 dated 16th of November 2018, according sanction for the formal closure of the ReT scheme and the ReT recruitment/engagement process notified vide Government Order No. 396-Edu of 2000 dated 28th of April 2000, along with subsequent notifications/amendments.The Government

Order further provided that all advertisement notifications for the engagement of ReTs, or panels prepared where no engagement orders had been issued, would be deemed to have been cancelled/withdrawn *ab initio*.

08. This Government Order became the subject matter of challenge in various writ petitions filed by candidates who were facing the selection process for engagement as ReTs in different schools. The writ petitions were clubbed together under the lead case of SWP No. 3004 of 2019 titled *Ruksana Jabeen versus State of J&K and others*. The writ petitions were disposed of by a Division Bench of this Court vide its order dated 4th of February 2023. This Court upheld the constitutional validity of the impugned Government Order and disposed of all the petitions in light of the directions contained in Para 31 of the judgment, wherein the impact of the closure of the ReT scheme in terms of the impugned Government Order had been examined at length.

09. The judgment passed by this Court in *Ruksana Jabeen and others* was assailed before the Hon'ble Supreme Court in the case of *Saba Wani* (supra). The Hon'ble Supreme Court, instead of pronouncing on the legality or otherwise of the Division Bench judgment in *Ruksana Jabeen*, disposed of the matter and issued directions under Article 142 of the

Constitution of India. The directions are contained in Para 25 of the judgment and are set out hereinbelow:

> *"25. In view of the matter, we deem it appropriate to issue following directions:*
>
> ***a)*** *The Closure Order of ReT Scheme dated 16.11.2018 for cancellation/withdrawal shall not retrospectively impair the right of the candidates found placed in the select panel. In view of the discussion made hereinabove, the candidates placed in respective select panels shall be issued engagement/appointment orders as per their position in the select panel having regard to the available vacancies.*
>
> ***b)****The State shall issue the formal engagement orders to the candidates of select panel within a period of eight weeks in terms of the direction (a) above.*
>
> ***c)*** *Candidates appointed as per directions (a) and (b) from the select panel under the ReT Scheme are directed to acquire minimum qualification prescribed under NCTE Regulations and Notifications, including to qualify the TET, within 3 years and 3 attempts from date of their engagement/appointment. In this regard, the State is directed to organize the TET annually. After successfully acquiring the minimum qualification and passing TET within prescribed time limit, the services of such appointees shall be accordingly, regularized on completion of two years of service thereafter.*
>
> ***d)*** *The direction (c) above shall be applicable to the other similarly situated candidates who have already been appointed from the select panels under the ReT Scheme*

after 23.08.2010 i.e., the date of NCTE notification prescribing minimum qualifications and prior to the issuance of Closure Order, and do not possess minimum qualification including TET as per the notification of NCTE. However, those appointees shall acquire prescribed qualification within the time as specified in direction (c).

e) *It is obligatory upon this Court to direct that once the candidates/appointees under the ReT Scheme have acquired the prescribed qualifications and qualified the TET as indicated above, the seniority of all such candidates/appointees shall be redrawn and determined by the competent authority of the State, maintaining their respective positions in the select panels uninfluenced by the date of appointment, joining or regularization. The inter se seniority shall also be determined accordingly.*

f) *It is further directed that if the candidates/appointees including those already appointed and regularized who do not acquire/possess the requisite qualifications in terms of the NCTE notifications and fail to qualify the TET within the period prescribed hereinabove, the State is at liberty to dispense with their services as the mandate of Article 21-A of the Constitution of India cannot be left at altar even while rendering complete justice invoking Article 142 of the Constitution of India. It is further clarified that those candidates/appointees would not have any claim with to seniority or regularization as directed respect hereinabove.*

g) *The directions issued hereinabove are in rem and shall apply mutatis mutandis to the candidates already appointed pursuant to 74 advertisements that are subject*

matter of present proceedings, though they are not party to the present appeals. In view thereof, this judgment shall be widely publicized, and all the candidates/appointees shall be duly informed of these directions so that they can take recourse for acquiring the minimum qualification as per NCTE Regulations and Notifications, if they have not already acquired the same.

h) *The directions contained in clauses (a) to (g) hereinabove shall apply to all the candidates who are litigating in any Court and such cases have been filed prior to the date of this judgment. It is further clarified that candidates who have not already filed cases in any Court shall neither acquire any fresh cause of action by virtue of these directions nor be entitled to seek any further directions from any Court in that regard.*

i) *At the cost of repetition, it is clarified that this judgment shall not be construed as reviving the ReT Scheme for any purpose whatsoever, nor shall it be interpreted so as to create or confer any right upon candidates who were not part of a prepared select panel or who failed to approach the Court timely. Moreover, these directions are being issued in the peculiar facts and circumstances of this case invoking the power under Article 142 of the Constitution of India and it shall not be treated as precedent in any manner whatsoever.*

j) *In view of the observations made in para 24 above, we believe that the State Government shall apply their mind to the facts and circumstances of the case and the situation prevalent in the State and to take an appropriate decision*

with respect to the revision of the honorarium of such teachers as they deem fit."

10. The Hon'ble Supreme Court exercised its jurisdiction under Article 142 of the Constitution of India only with a view to putting a quietus on the litigation pertaining to the engagement of ReTs and the effect of the closure of the ReT scheme on pending selections. From a perusal of the directions contained in Para 25, it is abundantly clear that the Hon'ble Supreme Court protected the rights of the candidates who had found a place in the select panel. It was directed that those placed in select panels would be issued engagement/appointment orders as per their position in the select panel, having regard to the available vacancies. There was a further direction that the candidates appointed from the select panel on the basis of their merit shall acquire the minimum qualification prescribed under NCTE regulations and notifications, including qualifying the TET within three years and three attempts from the date of their engagement, etc. Direction (h), which is relevant for our purpose, provides that directions (a) to (g) shall be applicable to all the candidates who are litigating in any court, provided they have filed their cases prior to the date of the judgment in *Saba Wani*.

HIGH COURT JAMMU & KASHMIR AND LADAKH

11. Viewed in the light of the directions issued in *Saba Wani*, when we examine the case of the appellant, we find that the appellant, who was not in the select panel, could not get any benefit. Rather, the private respondent, Respondent No. 6, who was shown to be a selected candidate in the panel, is entitled to reap the benefit of Direction No. (a) reproduced above.

12. It is true, as is contended by the learned Senior Counsel appearing for the appellant, that candidates who are put in the select panel erroneously, and whose placement in the panel is the subject matter of challenge in various writ petitions in this Court including the writ petition filed by the appellant would automatically succeed in view of Direction (a), even if their placement is found to be bad by this Court. True it is that a person in the select panel whose placement is the subject matter of challenge should not be allowed to take the benefit of *Saba Wani*, for his placement in the select panel is not final, but is subject to examination by the Court.

13. However, having regard to the directions passed by the Hon'ble Supreme Court in *Saba Wani*, we are left with no discretion but to give effect to the directions passed by the Hon'ble Supreme Court. It is, however, for the appellant to approach the Hon'ble Supreme Court for clarification; all the candidates in the select panel even if their placement in the

select panel is seriously under challenge in the litigation pending before this Court would be entitled to be engaged as ReT, thereby rendering all the writ petitions, including the writ petition filed by the appellant, infructuous.

14. The Writ Court has gone strictly by the directions issued by the Hon'ble Supreme Court in *Saba Wani* and has come to the conclusion that Respondent No. 6, having been placed in the select panel, is entitled to be engaged in terms of Direction No. (a) of Para 25 of the judgment, and that no relief could be granted to the appellant. The Writ Court has thus dismissed the writ petition filed by the appellant as having been rendered infructuous.

15. We are also in a similar situation and are constrained to uphold the judgment of the Writ Court. Though we are of the view that a candidate placed in the select panel ought not to be held entitled to the benefit of Direction (a) if the select panel in which his name appears as a selected candidate has not been finalized and is the subject matter of challenge before this Court, however, in the absence of any clarification, we cannot accede to the contention of learned Senior Counsel appearing for the appellant, as that would amount to adding to the directions issued by the Hon'ble Supreme Court, which course is not permissible in law.

16. For all these reasons, we find no merit in this appeal; the same is accordingly dismissed.

(MOHD YOUSUF WANI)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR
25.11.2026
"Shaista-PS"

Whether the Judgment is Speaking *Yes/No*
Whether the Judgment is Reportable *Yes/No*

HIGH COURT
JAMMU & KASHMIR AND LADAKH