

Serial No. 62

Regular List

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

**CM No. 3391/2026 in
WP(C) No. 1272/2026**

Shahbab Rehbar Khan and Ors.

.....Appellant(s)

Through:

*Mr. Jahangir Iqbal Ganai, Sr. Advocate with
Mr. Owais Majeed Dar and
Mr. Mir Kamil Nazir, Advocates*

Versus

UT of J&K and Ors.

.....Respondent(s)

Through:

Mr. F. N. Shah, GA

CORAM:

**HON'BLE MR JUSTICE RAJNESH OSWAL, JUDGE
HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE**

ORDER

04.06.2026

01. The petitioners have filed the present petition bearing WP(C) No. 1272/2026, seeking modification of order dated 28.11.2025 read with order dated 25.04.2026, passed by the learned Tribunal in OA No. 1371/2025 titled *Shahbab Rehbar Khan and Ors. Vs. Health and Medical Education Department*.
02. A perusal of the order dated 28.11.2025 reveals that, in the OA filed by the petitioners, the learned Tribunal, by way of interim relief, issued the following directions:-

"06. In the meantime, subject to objections of the other side and till next date of hearing, respondents are directed not to replace

the present arrangement by a similar set of arrangement. However, they are free to fill up the posts on regular basis in accordance with law as and when the process is initiated.”

03. Thereafter, the application bearing MA No. 1776/2025, came to be preferred by the petitioners for issuing appropriate directions upon the respondents for implementing the order of the learned Tribunal dated 28.11.2025.
04. In terms of order dated 25.04.2026, the learned Tribunal after taking note of the submissions of learned appearing counsel for the respondents therein, that the petitioners have not been replaced by any similarly situated persons, disposed of the application with an observation that no case for interference was made out in the said application.
05. Mr. Jahangir Iqbal Ganai, learned senior counsel appearing for the petitioners has submitted that the orders dated 28.11.2025 and 25.04.2026 be modified to the extent that if there is requirement, the respondents be directed to allow the petitioners to continue with their assignments till regular selection is made.
06. The interim order dated 28.11.2025, passed by the learned Tribunal, already takes care of the interests of the petitioners, as the learned Tribunal has directed the respondents not to replace the present arrangement by a similar set of arrangement with a caveat that the respondents shall be at liberty to fill up the posts on regular basis in accordance with law as and when the process is initiated. Accordingly, we do not find any reason to show indulgence and modify the orders dated 28.11.2025 and 25.04.2026.

07. In light of the above observations, the present petition is **disposed**
of along with all connected CM(s).

(SANJAY PARIHAR)
JUDGE

(RAJNESH OSWAL)
JUDGE

Srinagar

04.06.2026

"Mohammad Yasin Dar"

