

Sr. No. 16

Regular List

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

RFA No. 44/2022

CM No. 5376/2022

Union Territory of Jammu and Kashmir and Anr. ...Appellant(s)

Through: Mr. Ilyas Laway, GA. Vice Mr. A.R.Malik, Sr. AAG.

Vs

Mohammad Ashraf Wani and Ors. ...Respondent(s)

Through: Mr. S.R.Hussain, Adv.

CORAM:

HON'BLE MR JUSTICE RAHUL BHARTI, JUDGE

ORDER

05.08.2025

01. Let record of the Civil Suit No. 181 of 2013 titled

“Mohammad Ashraf Wani and Ors. vs. State of JK and

Ors.” disposed of by the court of Additional District Judge,

Budgam, in terms of Judgment 9th August, 2021 be sent for

in original by the Registrar Judicial, Srinagar.

02. List on **26th August, 2025.**

(RAHUL BHARTI)
JUDGE

SRINAGAR

05.08.2025

“Shamim Dar”

Sr. No. 17
Regular List

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

CCP(D) 73/2022

Abdullah

...Appellant(s)

Through: Mr. Imtiyaz Ahmad Sofi, Adv.

Vs

Tasaduq Hussain and Ors.

...Respondent(s)

Through: Mr. Alla ud Din Ganaie, AAG, with Mr. Waseem Gul, GA.

CORAM:

HON'BLE MR JUSTICE RAHUL BHARTI, JUDGE

ORDER

05.08.2025

01. Hon'ble Division Bench of this Court in its order dated 16th

August, 2022 in unequivocal terms with full awareness of facts and circumstances of the case, had come to direct the writ respondents, who were led by none else than the Commissioner/Secretary to the Government, Education Department to consider the claim of the petitioner for regularization in service and for release of unpaid wages by passing a speaking order within a period of three months.

02. The Chief Education Officer, Kupwara, who was one of the four respondents figuring at Sr. No. 3, arrogated himself to the status of being the Head of the Education Department of UT of Jammu and Kashmir by coming forward with

purported consideration order No. 06 CEO Kupwara of 2025 dated 24th January, 2025, without bearing any recital to effect that said order is being passed by him upon due approval of the Higher Competent Authority, and thus come to trash the claim of the petitioner with an observation “Rejected on the merits” by picking an issue about educational qualification of the petitioner.

03. When pointed out by this Court to Mr. Alla-ud-Din Ganaie, learned AAG, that as to how come Chief Education Officer (CEO) Kupwara, can arrogate himself a position of speaking to the exclusion of the Commissioner/Secretary to Government, Education Department and the Director School Education Department, to come forward and submit consideration order, Mr. Alla ud Din Ganaie, learned AAG, submits that he would revisit the issue.

04. This Court out rightly rejects the Chief Education Officer, Kupwara’s order No. 06 CEO Kupwara of 2025 dated 24th January, 2025 and calls upon none else than the Commissioner Secretary to Government Education Department, UT of Jammu and Kashmir to come up with an order bearing in mind the letter and spirit of the directions of the Hon’ble Division Bench, failing which on the next date

of hearing the Commissioner/Secretary to the Government Education Department, UT of Jammu and Kashmir shall suffer a direction to remain present in person.

05. A copy of this Order be provided to Mr. Alla ud Din learned AAG.

06. List on 1st September, 2025.

SRINAGAR

05.08.2025

“Shamim Dar”



सत्यमेव जयते

(RAHUL BHARTI)
JUDGE