



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

SWP No. 1931/2009

Karan Singh & Ors.

....Petitioners

Through:- Mr. Achal Sharma, Advocate.

V/s

State of J&K & Ors.

.....Respondents

Through:- Mr. Raman Sharma, AAG.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGMENT
(20.01.2026)

01. This writ petition is coming up in 2nd Inning for its adjudication in the light of the Hon'ble Division Bench's order dated **19.04.2022** passed in bunch of letters patent appeals with lead **LPA No. 147/2019**. The petitioners' LPA No. **17/2020** was also figuring in said bunch of letters patent.

02. The Hon'ble Division Bench, by virtue of its order dated **19.04.2022**, has remanded the writ matter back to the writ court for rehearing afresh.



03. In the present writ petition **SWP No. 1931/2009**, six petitioners came forward seeking a writ for quashment of selection of the writ-respondents No. 6 to 64 selected for the posts of Constable in IRP 16th, 17th, 18th, 19th & 20th Battalions from district Rajouri vide order dated **01.08.2009** and also seeking a writ of mandamus unto the official-respondents to select and appoint the petitioners for the post of Constable in IRP 16th, 17th, 18th, 19th & 20th Battalions from district Rajouri.

04. A batch of writ petitions bearing identical grievance, as put forth by the petitioners in their writ petition, had been instituted in this Court which came to be decided by the learned Single Bench in terms of common judgment/order dated **08.03.2017** with lead case **SWP No. 13/2009**.

05. However, the petitioners' writ petition-SWP No. 1931/2009 was not accompanying said batch of writ petitions and, thus, came to suffer a different outcome with passing of impugned judgment dated **28.03.2019** whereby the petitioners' claim was negated.

06. Bunch of writ petitions with lead writ petition-**SWP No. 13/2009** connected with **SWP No. 1529/2007**,



SWP No. 1009/2007, SWP No. 475/2008 and SWP No. 940/2007, bearing identical controversy, came to be allowed by the writ court by virtue of its judgment dated **08.03.2017**, thereby instead of quashing the selection and appointment of the writ-respondents, the official-respondents were directed to re-determine the merit of the writ-petitioners of all said connected writ petitions for appointment to the posts of Constable in Indian Reserve Police (IRP) by a speaking order and in case the merit of said writ-petitioners of the bunch of said writ petitions i.e., **SWP No. 13/2009, SWP No. 1529/2007, SWP No. 1009/2007, SWP No. 475/2008 and SWP No. 940/2007** were to be found out above or equal to the last selected candidate in the respective quota, then to issue order of appointment to the qualifying writ-petitioners and the appointment to be deemed to have been from the date when the selectees of the select list were appointed.

07. Against the writ court's common judgment dated **08.03.2017** passed in **SWP No. 13/2009** connected with other writ petitions, the State of Jammu & Kashmir preferred bunch of letters patent appeals with lead **LPA No. 147/2019** connected with **LPA No. 225/2018, LPA No.**



253/2019, LPA No. 254/2019, LPA No. 255/2019, LPA No. 257/2019, LPA No. 17/2020 and LPA No. 83/2020.

08. Incidentally, in this bunch of LPAs, the writ-petitioners' **LPA No. 17/2020** was also heard by the same Hon'ble Division Bench.

09. The letters patent appeals preferred by the State came to suffer *dismissal* on account of non-condonation of delay by the Hon'ble Division Bench's order dated **19.04.2022**, whereas the letters patent appeal-**LPA No. 17/2020** preferred by the writ-petitioners herein had resulted in restoring of the writ-petition for fresh hearing and that is how the writ petition is being taken for adjudication.

10. The fate of the present writ petition cannot be different to the verdict as given in judgment dated **08.03.2017** in **SWP No. 13/2009** along with connected petitions given the fact that the writ petition of the petitioners is not only contemporary in point of time but also identically placed in terms of subject matter with the writ petitions *disposed of* by the learned writ court in terms of said judgment dated **08.03.2017** which attained finality with dismissal of LPAs.



11. This Court confronted Mr. Raman Sharma, learned Additional Advocate General (AAG) about this aspect that how come the fate of this writ petition can be different to the ones *disposed of* in terms of judgment dated **08.03.2017** against which the letters patent appeals preferred by the State have all suffered *dismissal* on account of non-condonation of delay, Mr. Raman Sharma, learned Additional Advocate General (AAG) comes forth with the submission that the State has gone in Special Leave Petitions (SLPs) before the Hon'ble Supreme Court of India which are pending considerations.

12. Be that as it may, this writ petition is also disposed of on identical lines in terms of judgment dated **08.03.2017** of writ court passed in **SWP No. 13/2009** along with connected petitions by holding the petitioners to same relief. The petitioners are also to be accorded the same treatment and consideration as accorded to the petitioners in terms of judgment dated **08.03.2017** in **SWP No. 13/2009**, subject to the final outcome of the pending Special Leave Petitions (SLPs) bearing **SLP Nos. 11877-11878/2023** before the Hon'ble Supreme Court of India.

13. The present petition is, accordingly, ***disposed of*** along with connected applications.



14. The detailed judgment is following the order dated **20.12.2023** vide which the petition was ordered to be allowed as is hereby being done.

(RAHUL BHARTI)
JUDGE

JAMMU
20.01.2026

Bunty

Whether the judgment is speaking: Yes/No

Whether the judgment is reportable: Yes/No

