



2026-JKLHC-JMU:1990

Sr. No. 36

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

SWP No. 1896/2010

Bihari Lal

.... Appellant(s)/Petitioner(s)

Through:- Mr. R. S. Thakur, Sr. Advocate with
Mr. Arun Singh, Advocate.

V/s

State of J&K and Ors.

.....Respondent(s)

Through:- Mr. Anishwar Chatterjee Koul, GA.

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

ORDER
06.07.2026

1. The petitioner has filed the present petition for grant of following reliefs:

“It is, therefore, humbly, prayed that the relevant record pertaining to selection of Rehbar-e-Taleem in Government Primary School, Lalhote of Block Assar and appointment of respondent No. 5, as such, if it is made, be called for, and the stipulation in the advertisement issued by the Chief Education Officer, Doda vide his No. CEO/D/24496 dated 08.12.2009, giving 01 January 2009, as the date on which the candidate should have had completed the required age, and the selection of respondent No. 5 as a Rehbar-e-Taleem teacher in the said School, as displayed in the School premises in reference CEO Doda's No. DLPJ-5878 dated 08 December, 2009, quashed, and the concerned respondent directed to appoint the petitioner to the said post on the basis of his established better merit and entitlement. ”

2. As per the advertisement notice, a candidate was required to have attained the age of 18 years as on 01.01.2009. Respondent Nos. 1 to 4, in their reply, have taken the plea that the petitioner was not eligible for appointment as he was underage, his date of birth was



01.04.1991, as recorded in the marks certificate issued by the Jammu and Kashmir Board of School Education.

3. It is contended by the petitioner that the date of the advertisement notification ought to have been the date for determining the age of the candidate and that 01.01.2009 could not have been arbitrarily fixed by the official respondents as the cut-off date for determining the age of the candidate.
4. The controversy involved in the present petition has already been considered by the Division Bench of this Court in *Mohd. Safeer v. State of J&K and Ors.* bearing LPA No. 216/2017 decided on 06.12.2017. Paragraphs 4 and 5 of the said judgment are relevant, which are extracted as under:

“4. As rightly noticed by the learned Single Judge, as per Rule 17(b) of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956, the age of a candidate for appointment to the government service is required to be determined with regard to the first day of January of the year in which competitive examination is held or applications are invited for a vacancy for which direct recruitment is made.

5. Admittedly, in the instant case, applications were invited in the year 2011, as such, going by the statutory prescription the date for determining the age eligibility of the candidate ought to have been 01.01.2011. It may be pointed out that contrary to the statutory prescription, respondent No. 3 in the advertisement notification had indicated such date as 01.01.2010. This was an inadvertent error which had crept in the notification, which otherwise was not in consonance with the statutory provision aforesaid, and was later on corrected by a corrigendum duly published.”



5. In view of the above, this petition is found to be without any merit
and the same is, accordingly, **dismissed**.

(Rajnish Oswal)
Judge

JAMMU
06.07.2026.
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