



**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT JAMMU**

Case No: **RP No. 18/2026 in**  
**WP(C) No. 628/2022**

Reserved on :- **15.04.2026**  
Pronounced on :- **23.04.2026**  
Uploaded on :- **23.04.2026**

*Whether the operative part or full  
judgment is pronounced :- **Full***

1. **Sapna Devi Age 36 years** .....Appellant(s)/Petitioner(s)  
**D/o Mohan Lal**  
**R/o Village Bhangal Tehsil &**  
**District Reasi**
2. **Arshad Bano Age 42 years**  
**D/o Jamat Ali**  
**R/o H. No. 251, Bathindi, Jammu**

Through: Mr. Abhinav Sharma, Sr. Advocate with  
Mr. Mudassir Maqbool, Advocate

vs

1. **Sheetal D/o Krishan Kumar Verma** ..... Respondent(s)  
**R/o A/p H. No. 2A, Lala Hans Raj Park,**  
**Near Mansar Hotel, Jammu.**
2. **UT of Jammu and Kashmir through**  
**Commissioner cum Secretary to Govt.**  
**Department of Industries & Commerce,**  
**Civil Secretariat, Jammu.**
3. **Jammu and Kashmir Services Seclection**  
**Board, through its Chairman Heena**  
**Complex, Sector-3, Channi Himmat,**  
**Jammu.**
4. **Secretary**  
**J&K Service Selection Board, Jammu.**
5. **Yogal S/o Sh. Yash Pal**  
**R/o Bhalara, Bhaderwah, District Doda.**
6. **Rahul Sharma S/o Sh. Ashok Kumar**  
**Sharma R/o Mirpuran, Kathua**

Through: Mr. Raman Sharma, AAG with  
Ms. Saliqa Sheikh, Advocate for R-3 & 4

**CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE**  
**HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE**



## JUDGMENT

### Per Shahzad Azeem ‘J’

1. Petitioners are seeking review of the judgment dated 17 February 2026 passed in WP(C) No. 628/2022 titled “*Sapna Devi and another Vs. Sheetal and others*”, whereby the judgment and order of learned Central Administrative Tribunal, Jammu Bench, Jammu [the Tribunal] dated 16 November 2021 was upheld and the writ petition was dismissed.
2. Briefly stated, the subject matter of the writ petition was the selection to the post of Knitting Instructor, Division Cadre Jammu, initiated by the J&K Service Selection Board [the Recruitment Board] on the basis of reference received from the indenting department i.e. Department of Industries and Commerce- Respondent No. 2.
3. The basic prescribed qualification for the post was 10+2 with Diploma in Knitting from ITI. However, during the selection process, particularly after the interviews held on 13 February 2016, the Recruitment Board sought a clarification from indenting department regarding the candidates possessing degrees/diplomas in Textile Technology/Handloom Textile and certificates in Tailoring, and Knitting from other institutes. In response, the indenting department, vide clarification dated 18 March 2016, conveyed that only the qualification prescribed as per the department’s recruitment rules shall be treated as valid. Thereafter the Recruitment Board has issued notification No. DIP/K-2870, notifying that all shortlisted candidates for the post of Knitting Instructor, (divisional cadre



Kashmir/divisional cadre Jammu) possessing diploma in Knitting/Textile from a recognised institutions/ITI would be interviewed on the given dates.

4. At the relevant point of time, only the draft recruitment rules were in place, which prescribed the qualification as, 10+2 with diploma in Knitting/Textile from a recognised institution/ITI. The initial advertisement notice No. 03 of 2012 dated 28 December 2012 had prescribed only 10+2 with Diploma in Knitting from ITI, which did not fully conform to the draft recruitment Rules.
5. For ready reference, the qualification and positions in the selection process of the litigating parties herein are tabulated as under:

<b>Party</b>	<b>Qualification</b>	<b>Position in Selection process</b>
Petitioner No. 1	Three Years Diploma in Textile Designing from the State Board of Technical Education.	S. No. 1 of the Waiting List
Petitioner No. 2	Diploma in Knitting from Saraswati College of Education.	S. No. 3 of the Select List.
Respondent No. 1	Technical Education Certificate in Knitting Trade from Knitting Trade Centre, DIC, Jammu	Participated in interview, but did not figure in any lists.
Respondent No. 5	Diploma in Handloom Technology	S. No. 1 of the Select List
Respondent No. 6	Diploma in Textile Technology (Spinning)	S. No. 2 of the Select List.



6. Respondent No. 1 being unsuccessful in the selection process, challenged the selection of the petitioners and private respondents by filing SWP No. 2166/2017 titled "*Sheetal Vs. State of J&K and others*".
7. During the pendency of SWP No. 2166/2017, the Ministry of Personnel, Public Grievances and Pensions (DoPT), vide notification No. G.S.R.267 (E) dated 29 April 2020 and notification No. G.S.R.317 (E) dated 28 May 2020 conferred the jurisdiction upon the Tribunal, Jammu Bench to decide service disputes of employees of the Union Territories of Jammu and Kashmir and Ladakh. Consequently, the matter was transferred to the Tribunal, vide order dated 24 August 2020.
8. The Tribunal vide order and judgment dated 16 November 2021, allowed the Transferred Application and quashed the select list and waiting list *qua* the petitioners and respondents No. 5 and 6, respectively.
9. The said order of the Tribunal was challenged before this Court in WP(C) No. 628/2022, titled "*Sapna Devi and another Vs. Sheetal and others*" and WP(C) No. 1670/2023, titled "*J&K Service Selection Board Vs. Sheetal and others*". Both writ petitions were dismissed by a common judgment dated 17 February 2026, thereby upholding the order of the Tribunal.
10. Aggrieved by the judgment dated 17 February 2026, the petitioners have filed the present review petition on the following grounds.
  - 10.1. No notice was served upon the petitioners in the writ petition due to vague addresses and there was no pre-admission or post-admission notice. The reliance by the Writ Court on "**deemed service**" constitutes an error apparent on the face of record.



10.2. The diplomas possessed by the petitioners were from recognised institutions. Petitioner No. 1 holds a Diploma in Textile Designing from Jammu and Kashmir State Board of Technical Education and petitioner No. 2 holds a Diploma in Knitting duly recognised by the Ministry of Human Resource Development through the Council of Technical Education and Training. The finding that both were ineligible is erroneous.

10.3. The petitioners cannot be made to suffer for the action of the Recruitment Board in considering candidates possessing Diploma in Handloom Technology, which was not notified.

10.4. The Writ Court erred in holding that the qualifications possessed by the petitioners were not mentioned in draft recruitment Rules.

**11. Heard Mr. Abhinav Sharma, learned Senior Advocate for the petitioners and Mr. Raman Sharma, learned AAG for the official respondents. We have also perused the record.**

12. Before dealing with the scope of review, we deem it proper to address certain factual pleas raised by the petitioners to set the record straight.

13. The addresses of the petitioners mentioned in the writ petition are exactly the same as those mentioned in the select list. Once the petitioners came to know about their selection and subsequent appointment on the basis of those addresses, it does not lie in their mouth to contend that the addresses were vague. There is a specific noting by the Registry that the notices were not received back as served or un-served. On expiry of the statutory period, the service was rightly deemed to have been effected.



14. The issue of service has been specifically dealt in paras 14 to 17 of the judgment under review.
15. In terms of Section 29 (4) (b) of the Administrative Tribunals Act, 1985 (Act of 1985), upon transfer of a pending matter to the Tribunal, the Tribunal may proceed to deal with it from the stage it had reached before transfer or from any earlier stage or *de novo*, as it may deem fit. In the present case, the Tribunal proceeded from the stage at which the matter was received from the High Court. It recorded that despite service and expiry of the statutory period of 30 days, none of the private respondents appeared, and accordingly, proceeded *ex parte*.
16. When the order of the Tribunal was challenged before this Court, on 03 February 2025, the following order came to be passed by this Court:

**WP(C) No. 628/2022**

*“Nearly two years have elapsed since this court gave liberty to file objections, which has not yet been filed by the respondents. However, by way of a last opportunity, two weeks’ time is granted to the respondents to file their objections.*

*In the event the objections are not filed within the two weeks from today, the right to file such objections shall stand closed, and on the next date of hearing, this Court shall decide this petition on the basis of averments made in the petition and the arguments of the respective parties.*

*List on 25.02.2025.*

*Interim direction, if any, shall continue till next date of hearing before the Bench”.*

17. Despite the above clear direction, the petitioners remained silent and did not raised any plea regarding admission, post-admission notice or service till the matter was finally heard and reserved on 03 December 2025. Raising such hyper-technical objections after the judgment has gone against them is highly belated and cannot be entertained. This practice is strongly deprecated.



18. On merits, the judgment under review has clearly recorded in paras 27 and 28 that respondent No. 5 (Yogal) possessed Diploma in Handloom Technology and respondent No. 6 (Rahul Sharma) possessed Diploma in Textile Technology (Spinning), whereas, petitioner No. 2 (Arshad Bano) had acquired her Diploma from Saraswati College of Education, Delhi, which is not a recognised institute.
19. The Court has specifically held in paras 29, 30 and 32 that the selected candidates possessed qualifications which were neither mentioned in the advertisement notification nor prescribed in the draft recruitment rules. This fact can be substantiated from the fact that selected candidate, respondent No. 5 (Yogal) possessed Diploma in Handloom Technology, which neither finds place in draft recruitment rules nor in the advertisement notification, so much so, it was absolutely missing from so called clarification notification No. DIP/K-2870.
20. At the same time though, petitioner No. 2 was enjoined upon to place on record the documents before the Writ Court to show that she obtained her diploma from a recognised institute, but again failed. So much so, even there is nothing in the review petition to show that the diploma obtained by respondent No. 2 is recognised by the concerned Ministry. Therefore, the concurrent findings of fact recorded by the Tribunal and affirmed by this Court are staring at the parties and thus cannot be reopened or re-appreciated in a review petition.
21. What the petitioners are essentially seeking is re-appreciation of evidence and re-argument of the entire matter, which is impermissible in review petition.
22. It is a settled proposition of law that a review petition cannot be treated as an appeal in disguise. The power of review is limited to correction of an error apparent on the face of record. Hon'ble Supreme Court in "*Union of India Vs.*



*Sandur Manganese and Iron Ores Limited and others*” (2013) 8 SCC 337, has held that mere disagreement with the view taken in the judgment is not a ground for review. Review can be entertained only when there is a glaring omission or patent mistake.

23. Similarly in case titled “*Kamlesh Verma Vs. Mayawati and others*” (2013) 8 SCC 320, the Hon’ble Supreme Court, while summarising the principle that the review will not be maintainable, held thus:

**“20.2 When the review will not be maintainable:**

- (i) *A repetition of old and overruled argument is not enough to reopen concluded adjudications.*
- (ii) *Minor mistakes of inconsequential import.*
- (iii) *Review proceedings cannot be equated with the original hearing of the case.*
- (iv) *Review is not maintainable unless the material error, manifest on the face of order, undermines its soundness or results in miscarriage of justice.*
- (v) *A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.*
- (vi) *The mere possibility of two views on the subject cannot be a ground for review.*
- (vii) *The error apparent on the face of the record should not be an error which has to be fished out and searched.*
- (viii) *The appreciation of evidence on record is fully within the domain of the appellate Court, it cannot be permitted to be advanced in the review petition.*
- (ix) *Review is not maintainable when the same relief sought at the time of arguing the main matter had been negatived.”*

24. The Hon’ble Supreme Court thus has summarised the principle and clearly held that review is not maintainable for rehearing the matter, re-appreciation of



evidence, or when the petitioner is merely trying to show that another view is possible.

25. In the present case, all factual and legal pleas raised by the petitioners have been duly considered and answered in the judgment under review, the petitioners have failed to point out any error apparent on the face of record. What they seek is rehearing of the matter, which is beyond the scope of review.
26. It is evident that the petitioners are proceeding on erroneous factual premise, and while labouring under such misconception, have filed the present review petition. In this regard, reference may be made to paragraphs 2, (viii) and (ix) of the review petition.
27. The petitioners asserted that their interview was fixed for 30 February 2016. However, they simultaneously aver that respondent No. 4 vide communication dated 25 February 2016, sought clarification from respondent No. 2 regarding the eligibility of certain candidates, which was replied to on 18 March 2016, stating that qualification were to be considered strictly in accordance with the recruitment rules.
28. This itself demonstrates the factual inconsistencies in the petitioners' case. In fact, the petitioners had already participated in the interview process pursuant to notification dated 06 February 2016 along with other shortlisted candidates on 13 February 2016 and not on 30 February 2016, as asserted by the petitioners. Therefore, the contention that the clarification preceded the interview is factually incorrect and untenable.
29. The scope of review is extremely limited. Under the guise of review, a party cannot be permitted to re-agitate and re-argue questions which have already been



addressed and decided. The power of review cannot be exercised as an appellate power and must be confined only to an error apparent on the face of record, which is self-evident and does not require a long drawn process of reasoning.

30. For the foregoing reasons, we find no merit in the present Review Petition and the same is, accordingly, *dismissed*.

**(Shahzad Azeem)**  
**Judge**

**(Sindhu Sharma)**  
**Judge**

**Jammu**

23.04.2026

Vishal Sharma

Whether the judgment is reportable? Yes

Whether the judgment is speaking? Yes

