



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

SWP No. 560/2011

Reserved on: 13.08.2026

Pronounced on: 21.08.2026

Uploaded on: 21.08.2026

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

**S. Manpreet Singh, 26 years S/o S. Tarlok Singh
R/o Village Qazi Mohra Gundi (Panchayat Halqua
Banwat, Tehsil Haveli, District Poonch.**

.....Petitioner(s)

Through: Ms. Damini Singh Chouhan, Advocate

Vs

1. State of J&K through Chief Secretary, J&K Civil Secretariat, Jammu.
 2. Secretary to Government, School Education Department, Civil Secretariat, Jammu.
 3. Director School Education, Jammu.
 4. Chief Education Officer, Jammu.
 5. Zonal Education Officer, Poonch.
 6. Sanjeev Kumar, S/o Bhim Raj, R/o House No. 47, Ward No.5, Poonch.
 7. Sorab Dutta, age 24 years S/o Kishori Lal Dutta, R/o Village Qazi Mohra Gundi , Tehsil Haveli, District Poonch.
- Respondent(s)

Through: None

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

JUDGMENT

PRAYER

1. The petitioner through the medium of instant petition has sought the following reliefs:

a) Issue a Writ of Certiorari quashing the selection and engagement of Respondent No. 6 namely Sanjeev Kumar S/O Shri Bhim Raj R/O House No. 47, Ward No. 5, Poonch, as "Rehhbar-e-taleem" teaching guide in the newly upgraded Govt. Midde School, Katyari, despite his



not belonging to Village Qazi Mohra Gundi (Panchayat Halqua Banwat, being illegal, arbitrary, unconstitutional, unjust and unwarranted.

b) Issue Writ of Mandamus directing and commanding the Respondents No. 1 to 5, especially the Respondent No. 5 i.e Zonal Education Officer, Poonch, to issue letter and appointment / engagement in favour of the writ petitioner as "Rehbar-e-taleem" teaching guide in newly upgraded Govt. Middle School, Katyari, for us belonging and connected with Village Qazi Mohra Gundi (Panchayat Halqua Banwat, as a member or inhabitant coupled with the fact that the Village Level Committee has given certification that the writ petitioner has been living permanently and physically in Village Qazi Mohra Gundi (Panchayat Halqua Banwat).

Brief Facts:

3. The case set up by the petitioner is that he has been deprived of consideration for engagement to the post of Rehbar-e-Taleem (Teaching Guide) in the newly upgraded Government Middle School, Katyari, despite being a resident and inhabitant of Village Qazi Mohra Gundi, Panchayat Halqa Banwat, Tehsil Haveli, District Poonch. According to the petitioner, respondent No. 6, namely, Sanjeev Kumar, has been selected and engaged against the said post despite not being a resident of the village concerned. The petitioner, therefore, assails the selection and engagement of respondent No. 6 and seeks a consequential direction for his own engagement against the said post.
4. The facts, in brief, are that pursuant to Government Order No. 597-Edu. of 2003 dated 02.06.2003, village-wise applications, in the prescribed format, were invited from permanent residents of the erstwhile State of Jammu and Kashmir for engagement as "Rehbar-e-Taleem" Teaching Guides in the newly upgraded Government Middle School, Katyari, vide Advertisement Notification No. CEOP/SSA/545-566 dated 18.04.2009 issued by the Chief



Education Officer, Poonch. The territorial jurisdiction of the Panchayat Halqas was prescribed under SRO 181 dated 18.06.2004, issued in exercise of the powers conferred under clause (j) of sub-section (1) of Section 2 of the Jammu and Kashmir Panchayati Raj Act, 1989 (Act No. IX of 1989), whereby the villages comprising each Panchayat Halqa were specifically identified in the Schedule thereto, including the villages falling within District Poonch.

5. The petitioner claims that, being a permanent resident and inhabitant of Village Qazi Mohra Gundi, Panchayat Halqa Banwat, Tehsil Haveli, District Poonch, he duly applied for engagement as a "Rehbar-e-Taleem" Teaching Guide in Government Middle School, Katyari, on the prescribed format. His status as an inhabitant of the said village is stated to be supported by the relevant record, including his Ration Card and the Character Certificate dated 30.09.2009 issued by the Tehsildar/Executive Magistrate, 1st Class, Haveli, Poonch. The application submitted by the petitioner was recommended by the members of the Village Level Committee and was received by the Zonal Education Officer, Poonch, on 08.05.2009, within the prescribed period.
6. The petitioner further claims that, despite his having submitted the application within time and being a resident of the concerned village, the Zonal Education Officer, Poonch, while preparing the Tentative Panel of candidates for engagement as "Rehbar-e-Taleem" Teaching Guide in Government Middle School, Katyari, pursuant to Advertisement Notification No. CEOP/SSA/545-566 dated 18.04.2009, did not include his name and did not consider his candidature. Aggrieved thereby, the petitioner submitted a detailed representation before the Director, School Education, Jammu, along with



certificates dated 21.01.2010 issued by the Tehsildar, Haveli, Poonch, and 20.01.2010 issued by the Sarpanch, Panchayat Halqa Banwat, certifying that the petitioner belonged to Village Qazi Mohra Gundi, Panchayat Halqa Banwat, Tehsil Haveli, District Poonch, and that the said area did not fall within the municipal limits of Poonch City.

7. The Director, School Education, Jammu, forwarded the petitioner's representation to the Chief Education Officer, Poonch, calling for a report as to why his candidature had not been considered despite receipt of his application. In response, the Zonal Education Officer, Poonch, submitted a report dated 06.08.2009, stating that the petitioner's candidature had not been considered as he had annexed an "Under Process" Permanent Resident Certificate with his application. Thereafter, vide communication dated 16.09.2010, the Directorate of School Education, Jammu, directed the Chief Education Officer, Poonch, to verify whether the petitioner had surrendered his earlier Permanent Resident Certificate issued in the year 1993 before obtaining the subsequent Permanent Resident Certificate dated 02.01.2010. In this regard, the Zonal Education Officer, Poonch, vide communication dated 07.10.2010, sought verification from the Revenue Department through the Chief Education Officer, Poonch.
8. The petitioner contends that, notwithstanding the aforesaid developments and the documentary material placed on record, the official respondents proceeded to finalize the selection in favour of respondent No. 6, namely, Sanjeev Kumar, S/o Shri Bhim Raj, R/o House No. 47, Ward No. 5, Poonch, despite the petitioner's specific assertion that respondent No. 6 did not belong to



Village Qazi Mohra Gundi, Panchayat Halqa Banwat, for which the post had been advertised.

9. The petitioner thereafter submitted objections to the approved Select Panel, specifically challenging the selection and engagement of respondent No. 6 on the ground that he was not a resident/inhabitant of the village concerned and, therefore, could not have been preferred over the petitioner, who claimed to belong to the said village. The petitioner asserts that his objections were not considered in their proper perspective and were rejected without adequately dealing with the material facts and documentary evidence placed on record. The Zonal Education Officer, Poonch, vide communication dated 11.02.2010, proceeded to justify the selection/engagement of respondent No. 6 as "Rehbar-e-Taleem" Teaching Guide in Government Middle School, Katyari, without, according to the petitioner, addressing his substantive objection regarding the residential eligibility of respondent No. 6.
10. The grievance of the petitioner, therefore, is that his candidature for engagement as "Rehbar-e-Taleem" Teaching Guide in the newly upgraded Government Middle School, Katyari, was not considered despite his claim of being an inhabitant of Village Qazi Mohra Gundi, Panchayat Halqa Banwat, whereas respondent No. 6, who, according to the petitioner, did not belong to the said village, was selected and engaged against the post. The petitioner accordingly seeks quashing of the selection and engagement of respondent No. 6 and a consequential direction to the official respondents to consider his candidature in accordance with the applicable criteria and the material available on record.



Reply on behalf of official respondents No. 1 to 5:

11. The official respondents, in their reply, have raised a preliminary objection to the maintainability of the present writ petition, contending that no fundamental, statutory, constitutional or legal right of the petitioner has been infringed or violated and that no prejudice or cause of action has accrued to him against the answering respondents. It is further contended that the petition involves disputed questions of fact which cannot appropriately be adjudicated upon in exercise of the extraordinary writ jurisdiction under Article 226 of the Constitution of India. The respondents have, accordingly, sought dismissal of the writ petition on the aforesaid grounds.
12. On merits, the official respondents have stated that the petitioner's application for engagement as Rehbar-e-Taleem at Government Middle School, Katyari, Village Banwat, was received on 08.05.2009. Upon scrutiny, it was found that the petitioner had not enclosed a valid Permanent Resident Certificate (PRC) with his application and had instead annexed an "Under Process" Certificate, stated to be valid for only 15 days. The petitioner was accordingly advised vide Notice No. ZEO/P/415 dated 18.06.2009 to produce the requisite PRC, but, according to the respondents, he failed to do so and his application was consequently not considered. The respondents have also relied upon the subsequent communications of the Zonal Education Officer, Poonch, regarding verification of the petitioner's residential status and the authenticity of the PRC subsequently produced by him.
13. The respondents have further stated that, upon verification from the Revenue Department and other competent authorities, the petitioner was



found to be permanently residing in Poonch City, Ward No. 1, and not in Village/Panchayat Halqa Banwat. In support thereof, reliance has been placed upon the Permanent Resident Certificate issued to the petitioner on 24.02.1993, recording his residence as Ward No. 3, Poonch, as well as the subsequent PRC dated 02.01.2010, the Resident Certificate issued by the Municipal Councillor, Ward No. 1, Poonch, the certificate issued by the Executive Officer, Municipal Council, Poonch, and the electricity bill relied upon by the respondents. It is accordingly contended that the petitioner, being a resident of Poonch City, could not claim consideration against a village-level ReT post at Village Banwat under the ReT Scheme.

14. It is also stated that, since sufficient eligible candidates were not available at the Village/Panchayat level, the selection was undertaken at the Zonal level. The Zonal Education Officer, Poonch, accordingly prepared and submitted the merit panel, wherein Sanjeev Kumar (respondent No. 6) was placed at Serial No. 1 on the basis of his qualifications, i.e., B.Sc. and B.Ed. The respondents have specifically stated that the petitioner did not figure in the merit panel as, at the relevant time, he possessed only the qualification of 10+2. The respondents have further relied upon the panel and the report submitted by the Zonal Education Officer to contend that the selection and engagement of respondent No. 6 were made in accordance with the applicable scheme and the procedure prescribed thereunder.
15. The official respondents have, therefore, maintained that the petitioner was neither eligible for consideration against the village-level post in question nor entitled to claim appointment merely on the basis of his subsequent assertion of residence in Village Qazi Mohra Gundi, Panchayat Halqa



Banwat. According to the respondents, the petitioner's application was rightly not considered for want of a valid PRC at the relevant time and because he did not figure in the merit panel, whereas respondent No. 6 was selected on the basis of his eligibility and higher merit at the Zonal level. The respondents have accordingly prayed for dismissal of the writ petition, being devoid of merit and not maintainable.

Reply on behalf of private respondent No. 6

16. Respondent No. 6, in his response, has stated that he possesses the requisite educational qualifications for engagement as a “Rehbar-e-Taleem” Teaching Guide, having obtained a degree in B.Sc. (Non-Medical) and B.Ed. from the University of Jammu. He has further stated that, pursuant to Advertisement Notice dated 18.04.2009, applications were invited for engagement of Rehbar-e-Taleem Teachers under the Sarva Shiksha Abhiyan (SSA) Scheme in schools newly opened or upgraded to the level of Upper Primary School. According to respondent No. 6, the applicable scheme contemplated consideration of eligible candidates first at the village level, thereafter at the Panchayat level and, in the absence of an eligible candidate at those levels, at the Zonal level.
17. It is further stated that he duly applied pursuant to the aforesaid advertisement and, upon preparation of the merit panel by the office of the Zonal Education Officer, Poonch, was placed at Serial No. 1 at the Zonal level on account of his higher merit and educational qualifications. It is stated that a panel of candidates was prepared on the recommendations of the Village Level Committee, in which respondent No. 6 figured at Serial No. 1 amongst the shortlisted candidates, and the same was thereafter



forwarded to the competent authority for approval. On the strength of the said merit position and his eligibility, respondent No. 6 claims that his selection and engagement against the post in question were made in accordance with the applicable procedure and scheme.

- 18.** Respondent No. 6 has disputed the petitioner's claim of being a resident of Village Qazi Mohra Gundi, Panchayat Halqa Banwat, and has contended that the petitioner is, in fact, a resident of an area falling within the municipal limits of Poonch. In support of the said contention, reliance has been placed upon the Permanent Resident/State Subject Certificate issued in favour of the petitioner in 1993, wherein his residence was recorded as Ward No. 2, Poonch, as well as certificates issued by the Municipal Councillor and Vice-President of the Municipal Council, Poonch. It is further contended that the petitioner's name finds mention in the 2007 electoral roll in respect of the said municipal area, thereby demonstrating, according to respondent No. 6, that the petitioner was not a resident of Panchayat Halqa Banwat and could not claim consideration against the village-level post in question.

- 19.** Respondent No. 6 has also questioned the petitioner's reliance upon the subsequent Permanent Resident Certificate showing his residence as Qazi Mohra Gundi, Panchayat Halqa Banwat. It is contended that the said certificate was issued only on 02.01.2010, i.e., after the last date prescribed for submission of applications pursuant to the advertisement, whereas the petitioner had himself submitted an "Under Process" Certificate with his original application. According to respondent No. 6, the subsequent production of the PRC and the petitioner's claim of residence in Village



Qazi Mohra Gundi were intended to overcome the deficiencies in his original application and to secure consideration for a post for which he was otherwise not eligible.

20. It is contended that the petitioner had no legally enforceable right to claim engagement against the post in question, particularly when he was not selected on merit and respondent No. 6 had been duly placed at Serial No. 1 in the relevant merit panel and thereafter engaged in accordance with the applicable procedure. It is, therefore, submitted that no legal or constitutional right of the petitioner has been infringed by the selection or engagement of respondent No. 6 and that the writ petition, being devoid of merit and raising disputed questions of fact, is liable to be dismissed.

Reply on behalf of respondent No.7:

21. Respondent No. 7, in his response, has stated that respondent No. 6 was appointed as Rehbar-e-Taleem in Government Middle School, Katyari, falling within Village Qazi Mohra Gundi, Poonch, and joined the said school in October, 2010. It is stated that respondent No. 6 served as ReT for more than one year and thereafter resigned upon his selection and appointment as a regular Teacher in District Poonch. Consequently, the post occupied by respondent No. 6 fell vacant and, according to respondent No. 7, the said vacancy was required to be re-advertised in accordance with the applicable scheme and rules.
22. It is further stated by respondent No. 7 that he himself is a resident of Village Qazi Mohra Gundi, Tehsil Haveli, District Poonch, and possesses the minimum educational qualification of 10+2. He has relied upon his State Subject, Residence Certificate, Ration Card, Voter List, Aadhaar



Card and certificates issued by the competent local authorities to substantiate his claim of residence within the jurisdiction of Panchayat Halqa Banwat. According to respondent No. 7, the ReT Scheme contemplated consideration of candidates belonging to the concerned village in the first instance, followed by extension of the zone of consideration to the Panchayat and, thereafter, to the Zonal level in the absence of eligible candidates at the preceding level.

23. It is also stated that, pursuant to Advertisement Notification No. CEOP/SSA/545-566 dated 18.04.2009, applications were invited for engagement of ReT Teachers in Government Middle School, Katyari, and that, owing to the non-availability of eligible candidates at the village and Panchayat levels, the zone of consideration was extended to the Zonal level. Respondent No. 7 has stated that respondent No. 6 was placed at Serial No. 1 in the relevant merit panel and was accordingly selected and engaged against the post in question. It is further stated that respondent No. 6 subsequently left the engagement upon being selected and appointed as a regular Teacher, resulting in the post becoming vacant.

24. Respondent No. 7 has disputed the claim of the petitioner being a resident of Village Qazi Mohra Gundi falling within Panchayat Halqa Banwat. According to respondent No. 7, although a portion of Qazi Mohra Gundi falls within Panchayat Halqa Banwat, another portion falls within the municipal limits of Poonch, and the petitioner resides in the portion falling within Ward No. 1 of the Municipal Council, Poonch. In support of this contention, reliance has been placed upon the Permanent Resident/State Subject Certificate issued in favour of the petitioner in 1993, municipal



residence certificates, electoral rolls, electricity records and certificates issued by local authorities, which, according to respondent No. 7, establish that the petitioner has been residing within the municipal limits of Poonch and not within Panchayat Halqa Banwat.

25. Respondent No. 7 has also questioned the reliance placed upon by the petitioner on the subsequent Permanent Resident Certificate and the "Under Process" Certificate produced with his application. It is contended that the petitioner had already been issued a State Subject Certificate in 1993 showing his residence as Ward No. 2, Poonch, which, after reorganisation of the municipal wards, falls within Ward No. 1. According to respondent No. 7, the subsequent certificate relied upon by the petitioner does not, by itself, establish his actual residence in the village concerned. Reliance has also been placed upon Government Order No. 394-Edu. of 2006 dated 28.07.2006, particularly the explanation that the expression "belong" or "local candidate" refers to a candidate who is actually residing, at the time of appointment, in the village where the appointment is to be made. On this basis, it is contended that the petitioner's claim of village-level eligibility is not sustainable merely on the basis of the subsequent certificate relied upon by him.

26. It is, accordingly, contended that the petitioner neither belongs to nor actually resides within the area of Panchayat Halqa Banwat and, therefore, could not claim appointment against the post in question. It is further contended that the petitioner was not included in the merit panel and, in any event, respondent No. 6 possessed higher educational qualifications, namely, B.Sc. and B.Ed., as against the petitioner's qualification of 10+2.



Respondent No. 7 has therefore submitted that, after the resignation of respondent No. 6, the resultant vacancy cannot be filled in favour of the petitioner on the basis of the original selection process and is required to be re-advertised in accordance with the applicable rules. The writ petition has accordingly been opposed and its dismissal has been sought.

Legal Analysis:

27. Heard learned counsel for the petitioners and perused the record.
28. During the pendency of the instant writ petition, the Hon'ble Apex Court, in '**Union Territory of Jammu and Kashmir & Ors. v. Saba Wani**', **2026 INSC 439**, examined the legality and effect of the closure of the Rehbar-e-Taleem Scheme. The Hon'ble Apex Court, while exercising jurisdiction under Article 142 of the Constitution of India, issued, *inter alia*, the following directions:

"25. In view of the matter, we deem it appropriate to issue following directions:

- a) The Closure Order of ReT Scheme dated 16.11.2018 for cancellation/withdrawal shall not retrospectively impair the right of the candidates found placed in the select panel. In view of the discussion made hereinabove, the candidates placed in respective select panels shall be issued engagement/appointment orders as per their position in the select panel having regard to the available vacancies.
- b) The State shall issue the formal engagement orders to the candidates of select panel within a period of eight weeks in terms of the direction (a) above.
- c) Candidates appointed as per directions (a) and (b) from the select panel under the ReT Scheme are directed to acquire minimum qualification prescribed under NCTE Regulations and Notifications, including to qualify the TET, within 3 years and 3 attempts from date of their engagement/appointment. In this



regard, the State is directed to organize the TET annually. After successfully acquiring the minimum qualification and passing TET within prescribed time limit, the services of such appointees shall be, accordingly, regularized on completion of two years of service thereafter.

- d) The direction (c) above shall be applicable to the other similarly situated candidates who have already been appointed from the select panels under the ReT Scheme after 23.08.2010 i.e., the date of NCTE notification prescribing minimum qualifications and prior to the issuance of Closure Order, and do not possess minimum qualification including TET as per the notification of NCTE. However, those appointees shall acquire prescribed qualification within the time as specified in direction (c).
- e) It is obligatory upon this Court to direct that once the candidates/appointees under the ReT Scheme have acquired the prescribed qualifications and qualified the TET as indicated above, the seniority of all such candidates/appointees shall be redrawn and determined by the competent authority of the State, maintaining their respective positions in the select panels uninfluenced by the date of appointment, joining or regularization. The inter se seniority shall also be determined accordingly.
- f) It is further directed that if the candidates/appointees including those already appointed and regularized who do not acquire/possess the requisite qualifications in terms of the NCTE notifications and fail to qualify the TET within the period prescribed hereinabove, the State is at liberty to dispense with their services as the mandate of Article 21-A of the Constitution of India cannot be left at altar even while rendering complete justice invoking Article 142 of the Constitution of India. It is further clarified that those candidates/appointees would not have any claim with to seniority or regularization as directed respect hereinabove.
- g) The directions issued hereinabove are in rem and shall apply mutatis mutandis to the candidates already appointed pursuant to 74 advertisements that are subject matter of present proceedings, though they are not party to the present appeals. In



view thereof, this judgment shall be widely publicized, and all the candidates/appointees shall be duly informed of these directions so that they can take recourse for acquiring the minimum qualification as per NCTE Regulations and Notifications, if they have not already acquired the same.

- h) The directions contained in clauses (a) to (g) hereinabove shall apply to all the candidates who are litigating in any Court and such cases have been filed prior to the date of this judgment. It is further clarified that candidates who have not already filed cases in any Court shall neither acquire any fresh cause of action by virtue of these directions nor be entitled to seek any further directions from any Court in that regard.
- i) At the cost of repetition, it is clarified that this judgment shall not be construed as reviving the ReT Scheme for any purpose whatsoever, nor shall it be interpreted so as to create or confer any right upon candidates who were not part of a prepared select panel or who failed to approach the Court timely. Moreover, these directions are being issued in the peculiar facts and circumstances of this case invoking the power under Article 142 of the Constitution of India and it shall not be treated as precedent in any manner whatsoever.
- j) In view of the observations made in para 24 above, we believe that the State Government shall apply their mind to the facts and circumstances of the case and the situation prevalent in the State and to take an appropriate decision with respect to the revision of the honorarium of such teachers as they deem fit.”

29. Before advertng to the effect of the aforesaid judgment on the claim of the petitioner, it is pertinent to notice the nature of the relief sought in the present petition. The petitioner seeks quashing of the selection and engagement of respondent No. 6-Sanjeev Kumar, S/o Shri Bhim Raj, R/o House No. 47, Ward No. 5, Poonch, as "Rehbar-e-Taleem" Teaching Guide in the newly upgraded Government Middle School, Katyari, on the ground that he does not belong to Village Qazi Mohra Gundi, Panchayat



Halqa Banwat, and that his selection and engagement are illegal, arbitrary, unconstitutional, unjust and unwarranted. Consequentially, the petitioner seeks a direction commanding respondents No. 1 to 5, particularly respondent No. 5, i.e., the Zonal Education Officer, Poonch, to issue a letter of appointment/engagement in his favour as "Rehbar-e-Taleem" Teaching Guide in the newly upgraded Government Middle School, Katyari, on the ground that he belongs to and is an inhabitant of Village Qazi Mohra Gundi, Panchayat Halqa Banwat, and that the Village Level Committee has certified his permanent residence in the said village.

30. Even assuming, for the sake of argument, that the petitioner were to succeed in establishing any infirmity in the qualification or eligibility of the private respondent, the same, by itself, cannot result in a direction for his appointment at this stage. Acceptance of the petitioner's prayer would necessarily entail disturbing the prepared select panel, reopening the selection process and creating a fresh right of selection and appointment in favour of the petitioner, who admittedly does not figure in the select panel. The interim direction passed by this Court during the pendency of the petition also cannot be construed as conferring any substantive or vested right of appointment upon the petitioner. Such interim protection was intended only to preserve the position during the pendency of the proceedings and cannot be treated as a basis for reviving the erstwhile ReT Scheme after its closure.
31. More importantly, in view of the judgment of the Hon'ble Supreme Court in *Saba Wani (supra)*, no direction can now be issued which would have the effect of reopening the selection process or creating a fresh right of



appointment in favour of a candidate who was not part of the prepared select panel. Any such direction would, therefore, amount to reviving the closed ReT Scheme and would run contrary to the express directions issued by the Hon'ble Supreme Court.

32. From the record, it is evident that, pursuant to the aforesaid selection process, a panel of candidates was prepared for engagement against the post of Rehbar-e-Taleem Teaching Guide in Government Middle School, Katyari. The petitioner, however, was not included in the said panel. On the other hand, respondent No. 6-Sanjeev Kumar, figured in the panel and was thereafter selected and engaged against the post in question. Thus, irrespective of the controversy raised by the petitioner regarding the residential status and eligibility of respondent No. 6, the undisputed position emerging from the record is that the petitioner did not form part of the prepared select panel.
33. It is also borne out from the record that respondent No. 6, after joining as Rehbar-e-Taleem Teaching Guide in Government Middle School, Katyari, continued against the said post for more than one year and thereafter resigned upon his selection and appointment as a Teacher in District Poonch. Consequently, the post became vacant, and respondent No. 7 has specifically stated that, in terms of the applicable position, the vacancy was required to be re-advertised. The petitioner, therefore, seeks appointment against a vacancy which arose subsequently and not by virtue of his inclusion in the select panel prepared pursuant to the original selection process.



34. Admittedly, the petitioner does not figure in the select panel. Therefore, in view of the directions issued by the Hon'ble Supreme Court in *Saba Wani (supra)*, referred to hereinabove, he cannot claim any right to appointment under the erstwhile ReT Scheme. The directions issued by the Hon'ble Supreme Court are confined to candidates whose names figure in the prepared select panels and do not create or confer any right upon a candidate who was not part of such select panel. Consequently, no relief can be granted to the petitioner at this stage.
35. In addition, the Hon'ble Apex Court has made it clear that the candidates appointed pursuant to directions (a) and (b) from the select panels under the ReT Scheme are required to acquire the minimum qualifications prescribed under the NCTE Regulations and Notifications, including qualifying the TET, within three years and three attempts from the date of their engagement/appointment. Thus, the directions contained in clauses (a) to (j) hereinabove operate in the context of candidates whose names figured in the select panels. Admittedly, in the present case, the petitioner does not figure in the select panel and, therefore, cannot claim the benefit of the said directions or seek a fresh right of engagement thereunder.

Conclusion:

36. In view of the judgment of the Hon'ble Apex Court referred to hereinabove, the petitioner is not entitled to the relief sought in the present petition. Grant of such relief at this stage would necessarily entail reopening the selection process and creating a fresh right of appointment in favour of the petitioner, which would amount to reviving the erstwhile ReT



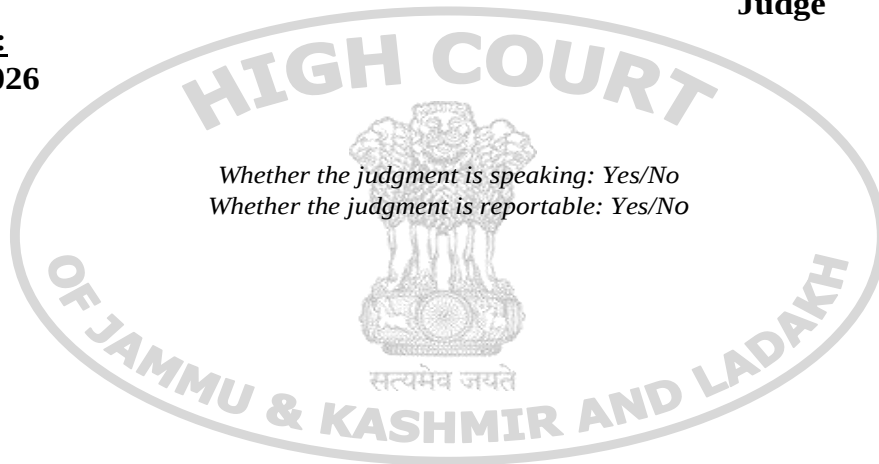
Scheme and would be in direct conflict with the directions issued by the Hon'ble Apex Court.

37. Thus, viewed from any angle, the writ petition, in the light of the aforesaid subsequent development and the law laid down by the Hon'ble Apex Court, fails and is, accordingly, **dismissed** alongwith all connected applications.

38. The interim direction, if any, shall stand vacated.

(Wasim Sadiq Nargal)
Judge

Jammu:
21.08.2026
Vijay



Whether the judgment is speaking: Yes/No
Whether the judgment is reportable: Yes/No