



2022:JKLHC-JMU:7110

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

...

SWP No. 2189/2010

Reserved on: 06.07.2026  
Pronounced on: 10.07.2026  
Uploaded on: 10.07.2026

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

Jyoti Devi, w/o Kewal Krishan  
R/o anandpur, P.O. Utterbeni,  
Tehsil and District Samba, Age  
26 years.

.....Petitioner(s)

Through: Mr. Ankesh Chandel, Advocate

Versus

1. State of J&K through  
Secretary to Govt. Education  
Deptt. Civil Sectt. Srinagar.
2. Director School Education,  
Jammu.
3. Chief Education Officer,  
Samba.
4. Zonal Educational Officer,  
Purmandal.
5. Poonam Sharma, W/o Sh.  
Prakash Sharma R/o Ward  
No. 4, Anandpur (Utterbeni)  
Tehsil and District Samba.

.....Respondent(s)

Through: Mr. Suneel Malhotra, GA  
Mr. Rakesh Sharma, Adv. for R-5

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

**JUDGMENT**

1. The petitioner has filed the instant writ petition seeking quashing of the panel prepared by the Zonal Education Officer, Purmandal, wherein



the name of respondent No. 5 has been included for engagement as Rehbar-e-Taleem (ReT) Teacher for Village Anandpur, as well as setting aside the engagement order dated 30.08.2010, whereby respondent No. 5 came to be engaged as a ReT Teacher. The petitioner has further seeks a direction to the official respondents to reframe the panel for Village Anandpur by including the name of the petitioner therein, by giving preference in terms of Government Order No. 288-Edu of 2009 dated 08.04.2009, on the ground that she resides within the distance of 100 meters from the school. A further direction has also been sought for commanding the official respondents to issue the order of engagement in favour of the petitioner after considering the objections submitted by her within the prescribed time. The petitioner has also prayed for restraining the official respondents from giving effect to the engagement order issued in favour of respondent No. 5.

2. The petitioner primarily assails the selection panel and the subsequent engagement of respondent No. 5 as a ReT Teacher in New Primary School, Anandpur, on the ground of residential proximity. The petitioner resides within a distance of 100 meters from the subject school, thereby claiming a preferential right to engagement vis-à-vis respondent No. 5, who allegedly resides more than two kilometers away. In support of this claim for preferential consideration, the petitioner has relied upon Government Order No. 288-Edu of 2009 dated 08.04.2009.
3. It is further contended that the petitioner submitted timely objections/representations before the official respondents, explicitly



asserting that the panel was prepared in flagrant violation of the mandate, spirit, and guidelines of the ReT Scheme. However, without considering these objections, the official respondents arbitrarily engaged respondent No. 5. Furthermore, relying on the report of the concerned Naib Tehsildar, the petitioner contends that the population of Village Anandpur exceeds 300 souls, thereby squarely bringing her case within the ambit of the aforementioned Government Order dated 08.04.2009.

4. The official respondents, in their objections, have stated that the petitioner possesses a Bachelor of Arts (B.A.) degree, whereas respondent No. 5 holds both B.A. and Bachelor of Education (B.Ed.) qualifications. It is contended that respondent No. 5, being superior in academic merit, was selected and engaged as a ReT Teacher vide order dated 30.08.2010. Furthermore, upon the successful completion of five years satisfactory tenure under the ReT Scheme, respondent No. 5 was regularized as a General Line Teacher with effect from 30.09.2015. They further averred that other candidates in the panel also possessed the requisite eligibility; thus, the petitioner cannot claim engagement by ignoring the comparative merit of higher ranked candidates. It is further submitted that both the petitioner and respondent No. 5 reside within the same revenue village where the school is situated. Since both candidates belong to the same village unit and their names were duly recommended by the Village Education Committee, the official respondents evaluated their comparative merit. Consequently,



respondent No. 5, being better qualified and more meritorious, was rightly selected for engagement.

5. Respondent No. 5, in her objections, has submitted that both she and the petitioner reside within Ward No. 4 of Village Anandpur in House Numbers 28 and 49 respectively. It is stated that as per the 2011 Census, the total population of Village Anandpur stands at 268 souls. The contesting respondent further averred that the Zonal Education Officer, Purmandal, prepared the panel of eligible candidates in May 2010 based on the lawful recommendations of the Village Education Committee. In the said panel, respondent No. 5 placed Serial No. 1 with a merit percentage of 55.33%, whereas the petitioner was placed at Serial No. 4 with a merit percentage of 48%. Respondent No. 5 specifically denies that the petitioner holds any preferential claim to the post, given that both candidates reside within the same ward and habitation in which the school is situated. It is further contended that the representations submitted and certificates subsequently procured by the petitioner are legally inconsequential, as the selection and engagement of respondent No. 5 were conducted strictly on the basis of comparative merit and in conformity with the rules governing the ReT Scheme.
6. Mr. Ankesh Chandel, learned counsel for the petitioner, submitted that Village Anandpur holds the status of a distinct habitation with a population exceeding 300 souls, as evidenced by the report of the concerned Naib Tehsildar. He contended that in terms of Government Order No. 288-Edu of 2009 dated 08.04.2009, the petitioner possesses a preferential claim for engagement as a ReT Teacher because she resides



within 100 meters from the school, whereas respondent No. 5 resides more than two kilometres away. Learned counsel, however, fairly conceded that there is no official habitation certificate on record to establish that Village Anandpur holds the legal status of an independent habitation.

7. Mr. Suneel Malhotra, learned Government Advocate, submitted that respondent No. 5 was engaged as ReT Teacher in New Primary School, Anandpur strictly on the basis of merit. He contended that since both the petitioner and respondent No. 5 were residents of Village Anandpur, their names, along with those of the other eligible candidates, were included in the prospective panel. However, respondent No. 5, being more meritorious than the petitioner and the other candidates, was selected and engaged as ReT Teacher in accordance with the applicable rules and guidelines.
8. Mr. Rakesh Sharma, learned counsel for respondent No. 5, submitted that both the petitioner and respondent No. 5 are residents of Ward No. 4 of Village Anandpur and, consequently, stand on the same footing regarding their residential status. He contended that Government Order No. 288-Edu of 2009 dated 08.04.2009, relied upon by the petitioner, does not contemplate or provide for an intra-village proximity preference where the competing candidates reside within the same village unit. Learned counsel further submitted that the Naib Tehsildar's report dated 17.07.2010 cannot be considered to establish that Village Anandpur had acquired the legal status of an independent habitation. He argued that because the report was procured subsequent to the



compilation and issuance of the tentative panel, it cannot be relied upon to challenge the validity of the selection panel or the consequential engagement of respondent No. 5.

9. Heard learned counsel for the parties and perused the record.
10. It is an admitted position that respondent No. 5 possesses superior academic merit as compared to the petitioner. Consequently, the petitioner rests her claim exclusively on Government Order No. 288-Edu. of 2009 dated 08.04.2009, contending that she holds a preferential right to engagement as a ReT Teacher by virtue of the mandates contained in the said Government Order. The Government Order dated 08.04.2009 is extracted as under:

**“Government of Jammu and Kashmir  
Civil Secretariat, Education Department**

.....

**Subject:** Rehbar-e-Taleem Scheme to ensure people's participation in the management of Education at grass roots level.

**Government Order No.:** 288-Edu of 2009

**Dated:** 08-04-2009

The following explanation is added below the Eligibility condition No. 1 laid down in Government Order No. 396 of Edu 2000 dated 28-04-2000 (Rehbar-e-Taleem Scheme):

**Explanation:**

Village means a Revenue Village. However, where habitations in a Revenue Village are scattered, a candidate belonging to a habitation, popularly known as a village, at least one kilometer away from other habitations and having a population of more than 300 persons, shall be entitled to seek engagement as Rehbar-e-Taleem in a local school."

The above explanation shall have prospective effect.

**By order of the Government of Jammu and Kashmir.**



**Sd/-  
Secretary to Government  
Education Department”**

11. The Explanation appended to Eligibility Condition No. 1 defines "village" as a Revenue Village. However, where habitations within a Revenue Village are scattered, a candidate belonging to a habitation, popularly known as a village, situated at least one kilometer away from the other habitations and having a population of more than 300 persons, shall be entitled to seek engagement as a ReT Teacher in a local school. To qualify as an independent habitation under the scheme, an area must be situated at least one kilometer away from any other existing habitation and possess a population exceeding 300 persons. Notably, the petitioner does not contend that respondent No. 5 belongs to a different habitation. On the contrary, the Naib Tehsildar's report substantiates that the subject school is located within Ward No. 4, and that both the petitioner and respondent No. 5 reside within the same ward.
12. Thus, while respondent No. 5 resides approximately 1.5 kilometres away from the school and the petitioner resides within 100 meters of it, Government Order No. 288-Edu of 2009 dated 08.04.2009 does not mandate micro-distance or immediate proximity as the sole or overriding criterion for engagement as a ReT Teacher within a common Village. It would be apt to observe that no habitation certificate is on record, as admitted by the learned counsel for the petitioner. On the contrary, where a school is situated within a distinct habitation as



defined under the aforementioned Explanation, only a candidate residing within that specific habitation can claim a preferential right to engagement.

13. In the present case, as already noticed hereinabove, both the petitioner and respondent No. 5 are residents of Ward No. 4 of Village Anandpur, and the subject school is situated within the same ward. Under such circumstances, the petitioner cannot claim any preferential right to engagement over respondent No. 5 merely on the ground of closer proximity to the school. This is particularly true given that no habitation certificate has been placed on record to establish that the school is located within a separate, independent habitation within the meaning of Government Order No. 288-Edu of 2009 dated 08.04.2009. The report submitted by the Naib-Tehsildar cannot help the petitioner's case in any manner, as it relies on the vague, hearsay assertions of local residents to claim that the population exceeds 300, rather than referencing verified official records.
14. For the reasons stated hereinabove, this Court is of the considered view that the petitioner has failed to make out any case warranting interference with the panel prepared by the official respondents or the engagement of respondent No. 5 as a ReT Teacher. The writ petition, being devoid of merit, is accordingly dismissed.

**(Rajnish Oswal)**  
**Judge**

**Jammu**  
10.07.2026  
Karam Chand

Whether approved for reporting: Yes/No