



HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court

Case: LPA No. 173/2025 &
LPA No. 199/2025

Baba Ghulam Shah Badshah University. ...Petitioner(s)/Appellant(s)

Through: Mr. D C Raina, Sr. Advocate with
Mr. Anuj Dewan Raina, Advocate
V/s

Bilal Javed Bhukhari and ors. ... Respondent(s)

Through: Mr. Ahtisham Hussain Bhat, Advocate.

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

ORDER(ORAL)

25.09.2025

1. This is an intra-court appeal under Clause 12 of the Letter Patent against an interim/interlocutory order dated July 29, 2025 vide which the Writ Court had stayed the operation of the impugned advertisement notice dated July 22, 2025.

2. Learned counsel for the appellant-University submits that the respondents-herein were engaged as Assistant Professor/Teaching Assistants on contractual posts in various Departments in the University. And, vide advertisement notice dated July 22, 2025 the post of temporary Assistant Professors/Teaching Assistants were sought to be filled for the academic session 2025-26. Being aggrieved, the respondents assailed the said advertisement and the learned single Judge while issuing notice, as indicated earlier, stayed the operation thereof.

3. He submits that in essence the case set out by the respondents before the Writ Court was/is that a contractual/temporary employee cannot be replaced by another set of contractees or a similar arrangement. Whereas, he asserts that



respondents were engaged on academic arrangement basis for the session 2024-25 which ended on May 31, 2025. And consequently, they were delisted from biometric attendance/system of the University. Be that as it may, he asserts that in the wake of the provisions of Section 14 of the Administrative Tribunals Act, 1985 read with Section 28 and the Writ Court had no jurisdiction to entertain the writ petition at the threshold and pass an interim order.

4. Further, in the wake of the notification being GSR 471(E) dated August 02, 2024 the petitions pertaining to the Universities, including the appellant were to be transferred to the Central Administrative Tribunal for its adjudication. Therefore, it is urged that the learned Single Judge ought not to have entertained the petition filed by the respondents and in fact the same deserves dismissal out-rightly.

5. Faced with this, learned counsel for the respondents submits that he be permitted to withdraw the petition(s) itself so as to enable the petitioners to approach the Tribunal as regards their concerns/grievances. He submits that the petitioners shall file the Original Application (OA) before the Tribunal within two weeks' from today. But in the given circumstances, the interim order dated July 29, 2025 passed by the Writ Court be continued for a period of two weeks facilitate the process.

6. To this, learned Senior counsel for the appellants submits that without prejudice to the rights/interests of the University and in the peculiar facts and circumstances of the present case, the order dated July 29, 2025 be continued for a period of two weeks. However, he submits that since owing to the dispute at hand, the entire recruitment process has come to a halt, the Tribunal



be requested that in the event, the respondents files an OA, the same be considered and decided at the earliest.

7. In the wake of the position sketched out above and in terms of the submissions made by learned counsel for the parties, the writ petition WP(C) Nos. 2033/2025 and 2101/2025 filed by the respondents, are taken on board and are dismissed as withdrawn with liberty prayed for. However, the interim order dated July 29, 2025 passed by the Writ Court shall remain operative for two weeks from today. And, in the event, the respondents do not file the Original Application within the said period the order dated July 29, 2025 shall cease to operate. Further, even otherwise, the said order would remain operational only for a period of two weeks, for thereafter the respondents shall be at liberty to move an appropriate application before the Tribunal itself to seek an interim relief, if so advised. And needless to assert that the Tribunal shall pass necessary orders, if any, after affording due/adequate opportunity to the appellant-University.

8. In the given circumstances, we also consider it expedient to request the Tribunal, that in case, the respondents file the OA, the same be examined and disposed of at the earliest, particularly when learned counsel for the parties submit that they shall complete the pleadings without any undue delay and extend every possible assistance/cooperation to the Tribunal to dispose of the matter.

9. The appeals [LPA Nos. 173/2025 & 199/2025] are, accordingly, disposed of in the above terms.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
25.09.2025
AKHILESH