



2018:JKLHC-JMU:1817

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

...

SWP No. 1732/2015

Reserved on: 08.07.2026
Pronounced on: 23.07.2026
Uploaded on: 23.07.2026

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

Sonia Kumari

.....Petitioner(s)

Through: Mr. Ashok Sharma, Advocate

Versus

State of J&K and ors..

.....Respondent(s)

Through: Mr. Achal Sharma, Advocate
Ms. Saliqa Sheikh, Advocate

CORAM: HON'BLE MR JUSTICE RAJNESH OSWAL, JUDGE

JUDGMENT

1. The petitioner has filed this writ petition for quashing of the panel dated 15.07.2014 prepared by respondent No. 4, whereby private respondent No. 5 has been placed at Serial No. 1 for engagement as a Rehbar-e-Taleem (ReT) Teacher (Science) in Upgraded Government Primary School, Manghal, Zone Arnia. The petitioner also seeks a direction upon respondent No. 2 to approve and finalize the recommendation of respondent No. 3 made vide communication No.CEOJ/30188 dated 15.10.2014 and to engage the petitioner against the said post.
2. Brief facts necessary for disposal of the writ petition are that respondent No. 3, vide Advertisement Notice No. 10 of 2014 DIP/J-2313 dated



10.07.2014, invited applications for engagement of three ReT Teachers (Math & Science, Social Science and Language) in Upgraded Primary School, Manghal, Zone Arnia under the SSA Scheme. The petitioner applied for the post of ReT Teacher in the Science stream for the said School alongwith other eligible candidates.

3. The petitioner's grievance is that respondent No. 5, though placed at Serial No. 1 in the select panel, was not the resident of the concerned village/habitation on the cut-off date, as she had shifted her residence to Village Swankha More, Tehsil Vijaypur, District Samba, where she was also working as an Anganwadi Worker. It is alleged that respondent No. 5 secured her name in the panel on the strength of false residential documents. The petitioner relies upon resolutions of the Panchayat and Village Level Education Committee (VLEC), ration card, voter lists and other material to substantiate her claim. It is further pleaded that respondent No. 3, after considering her objections, recommended her candidature vide communication dated 15.10.2014, but respondent No. 2 has failed to accord approval, compelling the petitioner to invoke the writ jurisdiction of this Court.
4. The official respondents have contested the writ petition by asserting that respondent No. 5 was found eligible after the verification of her Residence Certificate, Permanent Resident Certificate, Voter Card and other relevant documents. It is pleaded that her candidature was duly recommended by the Village Education Committee and verified by the competent authorities. According to the respondents, successive enquiries established that respondent No. 5 is a resident of Village



Manghal and that Village Manghal and Village Rakh Manghal are separate revenue villages. It is further stated that her temporary engagement as an Anganwadi Worker did not render her ineligible for ReT engagement and, in any case, such engagement stood terminated. The respondents have also raised the plea that the writ petition involves disputed questions of fact.

5. Respondent No. 5, in her reply, has supported the stand of the official respondents and submitted that she fulfilled all the eligibility conditions and had produced all the requisite documents establishing her permanent residence in Village Manghal. She has further stated that her residence was repeatedly verified by the competent authorities during the enquiries initiated on the petitioner's complaint and all such enquiries confirmed her eligibility. It is also contended that the petitioner belongs to Village Rakh Manghal, a separate revenue village, and was therefore not entitled to claim engagement in the school situated at Village Manghal. According to respondent No. 5, her temporary engagement as an Anganwadi Worker did not constitute any disqualification for appointment as ReT Teacher.
6. Mr. Ashok Sharma, learned counsel for the petitioner, submitted that respondent No. 5 was ineligible for engagement under the ReT Scheme as she was not residing in the concerned village on the cut-off date. It was argued that her permanent residence was at Village Swankha More, District Samba, where she was residing serving as an Anganwadi Worker. Learned counsel further submitted that respondent No. 3 found merit in the petitioner's objections and recommended her candidature



vide communication dated 15.10.2014, but respondent No. 2 failed to act upon the said recommendation.

7. *Per contra*, Ms. Saliqa Sheikh, learned counsel appearing for the official respondents, submitted that respondent No. 5 was duly reflected in the panel after verification of all relevant documents and in accordance with the applicable rules. She contended that repeated enquiries conclusively established her residence in Village Manghal and that her temporary engagement as an Anganwadi Worker did not affect her eligibility for ReT engagement.
8. Mr. Achal Sharma, learned counsel appearing for respondent No. 5, adopted the submissions advanced on behalf of the official respondents and further contended that respondent No. 5 was the most meritorious eligible candidate. According to the learned counsel, the allegation regarding her residence stands conclusively repelled by the official records and enquiry reports, leaving no ground for interference with her inclusion in the panel.
9. Heard learned counsel for the parties and perused the record.
10. The core controversy in the present petition centres on the residential status of respondent No. 5, which is heavily disputed by the petitioner on the grounds that the respondent was a resident of Village Swankha More, Tehsil Vijaypur, District Samba, and had applied for the post of ReT Teacher in the Science stream on the strength of fabricated documents. In order to substantiate her contention, the petitioner has placed on record, a copy of the ration card of husband of the respondent No. 5 and copy of the surrender certificate in respect of the ration card



dated 19.07.2014 issued by the TSO, CAPD, Vijaypur. The petitioner has also placed on record a resolution to assert that Neelam Kumari-respondent No.5 alongwith her family had left the village 15 years ago and settled at Swankha More Tehsil and District Samba. It is further the case of the petitioner that respondent No. 5 was already serving as Anganwadi worker in the Social Welfare Department in District Samba at the relevant point of time.

11. On the contrary, respondent No. 5 has stated that the ZEO has written a letter to the CEO Jammu dated 17.11.2014, wherein it is stated that the respondent No. 5 was recommended for engagement as ReT Teacher in MS Manghal as shown at Sr. No. 1 of the panel (Math/Science) only on the basis of residence of village Manghal produced by her and issued by the revenue authorities. Alongwith the said letter, Residence Certificate, Voter Card, PRC (Ajay Kumar) Scheduled Certificate of Neelam Kumari were also enclosed. Thereafter, vide communication dated 26.12.2014, the Directorate of School Education, Jammu (placed on record by respondent no. 5 herself), asked the Chief Education Officer, Jammu to furnish report with documentary proof from the competent authority in order to proceed further in the matter. Yet again, it is respondent No. 5 only, who has placed on record the communication dated 02.05.2015 addressed by the ZEO Arnia (Bishnah) to the Chief Education Officer, Jammu and in this communication the ZEO has taken note of the factual aspect of the case. The findings of the ZEO are extracted in verbatim as under:



“Sir after having a deep enquiry on spot from the concerned and going through the representations U/s is in state of mess that has been framed by the committee members and person in que who are not either eligible or able to be considered for tentative panels. And all the applicants are busy to collect their documentary proofs who seems to be in the mood of litigation against each other (copy of all are attached herewith). Hence the report is submitted for your kind information and necessary action please.”

12. Thus, it is evident that the residential status of respondent No. 5 has not been finally determined by the official respondents. Rather the official respondents alongwith their response, have placed on record the order dated 22.04.2015 to assert that the services of respondent No. 5 as Anganwari Worker were terminated. The date of initial Advertisement Notice was 14.06.2014 and subsequent Advertisement Notice was issued on 10.07.2014. The eligibility of the candidates was required to be determined at the time of submission of applications. The official respondents have very conveniently in their response have concealed the communicated dated 02.05.2015 (Annexure-4 to the objections filed by the respondent No. 5) from this Court and have in fact tried to support the candidature of respondent No. 5 by placing reliance on the communications dated 14.11.2014 and 17.11.2014, which in the opinion of this Court in no manner determines the residential status of respondent No. 5 at the time of submitting applications for engagement as ReT Teacher in Govt. Middle School, Manghal.
13. Because the ZEO of Arnia described the situation as an absolute mess and recorded no conclusive finding on the residential status of respondent No. 5, this Court cannot resolve this issue while exercising writ jurisdiction, as it constitutes a disputed question of fact.



14. Accordingly, this petition is disposed of with a direction to the official respondents to conduct and conclude an enquiry regarding the residential status of respondent No. 5 as on the date of submission of her application for engagement as ReT Teacher in Upgraded Primary School, Manghal, within 30 days from the date of receipt of a copy of this order, and thereafter proceed in accordance with the judgment of the Hon'ble Supreme Court in **Union Territory of Jammu and Kashmir & Others v. Saba Wani, 2026 INSC 439**.
15. In view of the above, the relief sought by the petitioner for a direction to respondent No. 2 to approve the recommendation dated 15.10.2014 of respondent No. 3 and engage the petitioner as ReT Teacher in the aforesaid school cannot be granted at this stage.

Jammu
23.07.2026
Karam Chand

