

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU
(Through Virtual Mode)

CM(3254/2026) IN CPSW 35/2017

JYOTI SHARMA AND ORS.

...Petitioner(s)

Through: Mr. Supreet Singh Johal, Advocate.

Vs.

BABILA RAKWAL, DIR. EDUCATION AND ORS.

...Respondent(s)

Through:

CORAM:

HON'BLE MR JUSTICE RAHUL BHARTI, JUDGE

ORDER

01.06.2026

1. A contempt petition CPSW 35/2017 preferred by three petitioners by reference to an order dated 28.10.2016 was lying on the docket of this Court when by virtue of an order dated 04.05.2026 in absence of counsel for the petitioners this Court, on the purported plea of the counsel for the respondents/contemnors, came to hold that nothing substantive was surviving in the petition and, accordingly, same came to be disposed of as being rendered infructuous.
2. Whether or not the contempt petition was to survive or fail, the fact remains that on the date of

its disposal i.e. **04.05.2026**, counsel for the petitioners was not present and the order was thus, passed at the back of the petitioners.

3. The petitioners now come forward with present application CM No.3254/2026 stating that post Hon'ble Supreme Court of India's final judgement dated **30.04.2026** in a case titled **"Union Territory of Jammu and Kashmir and Others Vs. Saba Wani and Others"** along with connected matters, the cause of action for the petitioners to pursue the contempt petition stands revived and thus, the contempt petition has to be restored for being taken to its logical end.
4. The plea of the counsel for the petitioners is worth acceptance considering from the point of view that the disposal of the contempt petition took place in absence of the counsel for the petitioners and also without bearing any reference to the judgement of the Hon'ble Supreme Court of India.
5. The petitioners are well within their right to argue in their contempt petition that they have a cause to pursue in the contempt petition in the light of

Hon'ble Supreme Court of India's judgment, whether or not the petitioners would succeed in their plea is a matter which can be taken into consideration upon restoration of the contempt petition only, as such, contempt petition CPSW No.35/2017 is restored to its original number.

6. To be listed on **06.07.2026.**

SRINAGAR

01.06.2026

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(RAHUL BHARTI)
JUDGE

