

ITEM NO.28

COURT NO.11

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 1631-1632/2024

(Arising out of impugned final judgment and order dated 24-11-2023 in WP(C) No. 1909/2022 and WP(C) No. 1876/2022 passed by the High Court Of Jammu & Kashmir And Ladakh At Srinagar)

FAYAZ AHMAD GANAI & ORS.

PETITIONER(S)

VERSUS

UT OF J AND K & ORS.

RESPONDENT(S)

(FOR ADMISSION and I.R. and IA No.14678/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 02-02-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Aman Lekhi, Sr. Adv.
Mr. Ujjwal Sinha, Adv.
Mr. Aniket Seth, Adv.
Mr. Hasnain M. Khwaja, Adv.
Mr. Irfan Hafeez Lone, Adv.
Mr. Mueed Shah, Adv.
Ms. Pratiksha Sharma, Adv.
Ms. Ritu Chaudhary, Adv.
Mr. Ankit Acharya, AOR

For Respondent(s)

UPON hearing the counsel, the Court made the following
O R D E R

1. Application seeking exemption from filing certified copy of the impugned judgment is allowed.

2. These petitions are directed against judgement dated 24th November, 2023, passed by the High Court of Jammu & Kashmir and Ladakh at Srinagar, dismissing the writ petitions filed by them, wherein an order dated 13th July 2022, passed by the Central Administrative Tribunal, Srinagar Bench was assailed. The High Court has observed that the petitioners do not have any right to be appointed to the notified post of Junior Physiotherapist even though they have been selected, as the entire process was scrapped by the respondent-State Government in the absence of any vacancies.

3. Mr. Aman Lekhi, learned Senior counsel appearing for the petitioners submits that as per the records, even if the vacancies *qua* the subject post were not 45, a letter dated 29th August, 2018 addressed by the Directorate of Health Services, Kashmir to the Principal Secretary to the Government, Health and Medical Education Department, refers to 16 regular vacancies on the subject post, which would still be available for being filled up. He submits that instead of scrapping the entire selection process, the advertisement though issued to fill up 45 vacancies, could have been confined to 16 vacancies.

4. Limited to the aforesaid aspect, issue notice.

(POOJA SHARMA)
COURT MASTER (SH)

(NAND KISHOR)
COURT MASTER (NSH)