

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

SWP No. 410/2007

CMP Nos. 2322/2007 & 539/2007

Contempt (SWP) No. 88/2007 in SWP No. 410/2007

Date of Decision: 19.05.2010

Ali Mohd. & Ors.

Vs.

State of J&K and ors.

CORAM:

Mr. Justice J.P.Singh, Judge.

Appearing counsel:

For the Petitioner (s) : M/s Surinder Kour & H.A.Siddiqui,
Advocates.

For the Respondent(s) : Mr. S.K.Shukla, Advocate.

i) Whether approved for reporting
in Press/Journal/Media : **Yes/No**

ii) Whether to be reported
in Digest/Journal : **Yes/No**

Petitioners seek directions to the Jammu and Kashmir Services Selection Board, Jammu to consider them for selection against the posts of Teachers in District Cadre Rajouri under the reserved category of *Residents of Backward Area* notified for competition vide the Jammu and Kashmir Services Selection Board, Jammu's Advertisement Notice No. 10 of 2005 dated 29.12.2005.

The short submission made by learned counsel for the petitioners in support the petitioners' case is that with the issuance of SRO 347 dated 26.10.2006 including Village Saaj of Thanamandi, Rajouri to which the petitioners belonged, in Annexure-B to SRO 294 dated 21.10.2005, they had become

entitled to seek consideration for selection against the posts of Teachers meant for competition amongst those belonging to the reserved category of the *Residents of Backward Area*.

I have considered the submissions of the petitioners' learned counsel and perused SRO 347 dated October 26, 2006 which, *inter alia*, provides inclusion of the petitioners' Village *Saaj* in Annexure B to SRO 294 dated 21.10.2005, as one of the notified Backward Areas.

SRO 347 is prospective in operation and would not entitle the residents of the areas included thereunder in Annexure B to SRO 294 dated 21.10.2005 as Backward Areas, to claim benefit of reservation for selection under the reserved category of the *Residents of the Backward Area*, against the posts, which stood notified for competition vide Advertisement Notice No. 10 of 2005 i.e. before the issuance of SRO 347, in that, the petitioners' village, admittedly not a backward area declared as such on the day of the Notification, would not entitle them to reservation in selection on the day of the Notification.

The petitioners having no right to seek consideration for selection under the reserved category of *Residents of Backward Area* against the posts meant for those residing in the notified Backward Areas as on the day when the Advertisement Notice No. 10 of 2005 was issued, they have no right to maintain the Writ Petition to seek directions against the respondents for their

selection against the posts reserved for those residing in the Backward Areas.

Found to be without merit, this Writ Petition is, accordingly, dismissed.

The Writ Petition having been dismissed, I do not find any justification to keep COA (SWP) No. 88/2007 alive for further proceedings.

COA (SWP) No. 88/2007 too shall, therefore, stand dismissed.

(J. P. Singh)
Judge

JAMMU
19.05.2010
Pawan Chopra