

## **HIGH COURT OF JAMMU AND KASHMIR AT JAMMU**

**SWP No. 886/2011  
CMP Nos. 2406/2012 & 1291/2011**

**Date of Decision: 23.08.2012**

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**Inderjeet Sharma** Vs. **State of J&K & ors.**

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### **Coram:**

**Mr. Justice J.P.Singh.**

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### **Appearing Counsel:**

For the Petitioner(s) : Mr. Sudershan Sharma, Advocate.

For the Respondent(s) : Mr. Ravinder Sharma, AAG  
Mr. S.S.Lehar, Sr. Advocate with  
Mr. Meharban Singh, Advocate.

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i)	Whether approved for reporting in Press/Journal/Media	:	Yes/No
ii)	Whether to be reported in Digest/Journal	:	Yes/No

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### **JUDGMENT**

The petitioner-Inderjeet Sharma questions the empanelment of Raj Kumar-respondent No.5 against the post of Rehbar-e-Taleem in Primary School, *Krearzal* on the ground that being the resident of *Pandit Mohalla*, which was included in *Krearzal Habitation*, it was he who was entitled to consideration for engagement as Rehbar-e-Taleem, in that, the empanelment for selection was required to be made in terms of Government Order No.288-Edu of 2009 dated 08.04.2009 read with Addendum dated 09.04.2009. He additionally seeks consideration for selection against available vacancy of Rehbar-e-Taleem in Primary School, *Lonepora* of village *Mulchitter*.

To support his Claim that *Pandit Mohalla* was part of Habitation *Krearzal*, he relies on Booth Level

Officer's Certificate issued under No.01/BLO/2011 dated 22.03.2011, in terms whereof *Krearzal* was certified, a part of *Brahman Mohalla Dhadpeth* falling in Panchayat *Mulchitter*.

The State-respondents' Response to the Writ Petition indicates that the Certificate relied upon by the petitioner was cancelled on enquiry held into the matter by the Chief Education Officer, Kishtwar on the orders of the Deputy Commissioner, Kishtwar. As regards the empanelment of Raj Kumar-respondent No.5, it is stated that the area of consideration being village *Mulchitter*, the respondent's empanelment was justified because of his having been found better in merit to other candidates including the petitioner. So far as the petitioner's Claim to engagement as Rehbar-e-Taleem in Primary School, *Lonepora* was concerned, it is stated that he had not applied seeking consideration thereagainst and cannot, therefore, stake claim for engagement in the School.

The respondents justify the empanelment of respondent No.5 on the facts indicated herein above.

Considered the submissions of learned counsel for the parties in the light of their pleadings.

The only evidence on which the petitioner relies on to project his Claim for empanelment, as Rehbar-e-Taleem in Primary School *Krearzal*, is the Booth Level Officer's Certificate. The Certificate having been rescinded on re-examination, the petitioner's Claim to empanelment may not, therefore, be tenable in view of the position explained by the

State-respondents that Krearzal and Pandit Mohalla were two different habitations. Neither Krearzal, as indicated by the State-respondents, nor Pandit Mohalla, qualifies for application of Government Order No.288-Edu of 2009. The empanelment of respondent No.5 for selection as Rehbar-e-Taleem in Primary School *Krearzal* on the basis of his higher merit than the candidates belonging to village *Mulchitter* cannot, therefore, be faulted.

The petitioner having not applied for Engagement as Rehbar-e-Taleem in Primary School, *Lonepora*, he cannot seek consideration thereagainst. His Claim in the Writ Petition for engagement in Primary School *Lonepora* is, therefore, misconceived.

For all what has been said above, the petitioner's Claim to selection as Rehbar-e-Taleem in Primary School *Krearzal* and Primary School *Lonepora*, therefore, fails.

This Writ Petition is, accordingly found without merit, hence dismissed, vacating interim order dated 03.05.2011.

**(J. P. SINGH)  
Judge**

**JAMMU**  
23.08.2012  
Vinod.