

HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

SWP No.770/2016

Date of order: 27.04.2017

Nusrat Bashir Vs. State & Ors

CORAM:

Hon'ble Mr. Justice Ramalingam Sudhakar, Judge.

Appearing counsel

For the petitioner(s) : Mr.P.S.Ahmad, Advocate.

For the respondent(s) : Mr. M.I.Dar, AAG.

By consent of learned counsel for the parties the writ petition is taken up for final disposal.

Following relief is sought in the writ petition:-

I/- MANDAMUS COMMANDING, the respondents to consider the case of the petitioner for issuance of engagement order in his favour against the post of FMPHW on the basis of her selection made by the respondents in the waiting list at serial No.03.

II/- MANDAMUS COMMANDING, the respondents to issue the formal order of engagement in favour of the petitioner against the post of FMPHW in the respondent department and give effect to the petitioner's engagement from the date the other selectees have been engaged.

III/- MANDAMUS COMMANDING the respondents to give all consequential benefits of pay and other allowances in favour of the petitioner from the date the similarly circumstanced selectees have been given by the respondents.

IV/- PROHIBITION PROHIBITING the respondents from selecting/engaging any other candidate in place of the petitioner.

Petitioner claims that she applied to the post of Female Multipurpose Health Worker (FMPHW) and she was shown in waiting list at S.No.3. According to the petitioner some posts were not filled up due to non-joining of some of the selected candidates, and, therefore, the candidates out of waiting list should be appointed.

Respondents have stated that one post became vacant and S.No.2 of waiting list was appointed. They further stated that the petitioner could not be considered because no post is available now.

This statement is opposed by learned counsel for the petitioner, who states that four posts are still vacant due to non-joining of S.Nos. 1, 2, 3 and 9 of annexure-F namely Hina Khurshid, Mansoor Akhter, Nayeema John and Shahzada Akhter.

If it is a fact, it is for the authorities to decide whether the claim of the petitioner is justified and according to the rules. The authorities to take the decision within four weeks from the date copy of this order is served on them and communicate the same to the petitioner so that if the petitioner feels aggrieved she can challenge it. If the claim of the petitioner is justified she should be considered for appointment.

In light of above observations, the Writ petition shall stand disposed of alongwith all connected MPs.

(Ramalingam Sudhakar)
Judge

SRINAGAR
27.04.2017
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