

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

SWP No. 2240/2018

Date of order: 31.10.2018

Saber Hussain and others

Vs.

State and others

Coram:

Hon'ble Mr. Justice Tashi Rabstan-Judge

Appearance:

For the petitioner(s) : Mr. Israr Ahmed Qazi, Advocate

For the respondent(s) : Mr. Ravinder Gupta, AAG

1. Through the medium of instant petition, petitioner is seeking following reliefs:-
 - (a) Writ of Mandamus, whereby commanding the respondents not to replace or substitute the petitioners by another contractual appointee to other institutions till their case for confirmation, regularization against the post of Lecturers in their discipline is considered;
 - (b) Commanding the respondents to allow the petitioners to serve as contractual Lecturer on the post held by them till the petitioners completes 7 years of their services as provided in Jammu and Kashmir Civil Services (Special Provision) Act, 2010;
 - (c) Commanding the respondents to release the consolidated salary in favour of the petitioners for the vacation period w.e.f. date the petitioners were engaged as Lecturer in their discipline at Govt. Hr. Secondary School, Samote.

2. Learned counsel for the petitioners submitted that the petitioners were engaged as Lecturers in the discipline of Education in Govt. Hr. Sec. School, Samote for the Session 2017-2018 vide Order No.CEOR/Gaz/51956-57 dated 30.03.2018, Vide Order No.CEOR/Gaz/49413-15 dated 17.03.2018 and Order No.CEOR/Gaz/146968-71 dated 06.03.2018 respectively on academic arrangement and till today they are discharging their duties on the posts-in-question. However, the respondents are seeking to replace them by another contractual arrangement, which is not permissible under law.
3. When confronted with this position, learned AAG submits that any appointment whether on permanent basis or on academic arrangement shall be made only after issuing Advertisement Notification.
4. In the given circumstances, no useful purpose would be served by keeping the writ petition pending. Accordingly, the same is disposed of with the direction that in case the respondents intend to fill up the post-in-question, they shall issue an Advertisement Notification for the same, and the petitioners would be at liberty to participate in the process of selection. Till the process of selection is concluded, the petitioners shall be allowed to continue. However, it is made clear that this Court has not expressed any opinion with regard to the merit of the case.
5. **Disposed** of as above along with connected MP.

(Tashi Rabstan)
Judge

Jammu
31.10.2018
'Madan'