
(2016) 02 J&K CK 0039

In the Jammu And Kashmir High Court

Case No : LPASW No.4 of 2016 and MP No.1 of 2016

Abdul Wahid Pedhar

APPELLANT

Vs

State of Jammu and Kashmir

RESPONDENT

Date of Decision : 16-02-2016

Acts Referred:

Citation : (2016) 3 JKJ 56

Hon'ble Judges : Mr. N. Paul Vasanthakumar, CJ. and Mr. Bansi Lal Bhat, J.

Bench : Division Bench

Advocate : Mr. O.P. Thakur, Advocate, for the Appellant; Mr. Ravinder Gupta, AAG, for the Respondent No. 1 to 4

Final Decision : Dismissed

Judgement

N. Paul Vasanthakumar, C.J. - This appeal is filed against the order made in SWP No.2276/2012 dated 08.12.2015 wherein the learned

Single Judge dismissed the writ petition by upholding the selection of the 5th respondent as Rehbar-e-Taleem based on the marks possessed by

him in 10+2.

2. Admittedly, the appellant possesses lesser marks in 10+2 as compared to the 5th respondents. Learned counsel appearing for the appellant

submits that since the appellant is having B.A. Degree, he should be given preference.

3. Giving preference is with a purpose i.e. the person possessing higher qualification must be more efficient to handle classes to students. This issue

was considered by this Court in Amjid Chugtai v. State of J&K and ors. reported in 2014(3) JKJ 115, wherein it has been held that:-

5. A conjoint reading of the letters would make it evident that the principle which

governs the determination of inter se merit for appointment of teachers under SSA for the subject of Science or/and Math would be that graduation or post-graduation degree s in the Science or Match alone are to be considered. If a degree does not show study of Science or Match as subject then it would not be relevant.

The Hon'ble the Supreme Court in its decision reported in 2015(2) SCC 170 (State of Punjab and ors. v. Anita and others) considering the very issue held that for special consideration in selection based on higher qualification, the same must be in the relevant subject.

4. Admittedly the appellant is not having the higher qualification with Math or Science subject in his graduation and his graduation is in the subject of Arts. Therefore, we are unable to find any reason to interfere with the order of the learned Single Judge.

5. This appeal is dismissed. No costs.