

(2022) 05 J&K CK 0004

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) No. 802 Of 2022, Civil Miscellaneous No. 2445 Of 2022, CAV No. 331 Of 2022

J&K Public Service Commission

APPELLANT

Vs

Rajeev Gupta And Others

RESPONDENT

Date of Decision : 05-05-2022

Acts Referred:

Constitution Of India, 1950 — Article 226
Constitution Of Jammu And Kashmir, 1956 — Section 103

Citation : (2022) 05 J&K CK 0004

Hon'ble Judges : Sindhu Sharma, J;Rahul Bharti, J

Bench : Division Bench

Advocate : F.A. Natnoo, Abhinav Sharma, Abhimanyu Sharma, Amit Gupta

Final Decision : Dismissed

Judgement

Rahul Bharti, J

1. Heard Mr. F.A. Natnoo, learned counsel, representing the petitioner J&K Public Service Commission, and also Mr. Abhinav Sharma, learned Sr. Advocate, for the respondent-caveator.
2. The present writ petition, at its very inception hearing, self-suggests a preliminary objection as to the locus standi of the petitioner J&K Public Service Commission (J&K PSC in short) to challenge the judgment of the Central Administrative Tribunal Jammu Bench, Jammu, in the facts and circumstances of the case in hand.
3. The background factual scenario leading to the filing of the present writ petition needs to be stated for the basis constraining the examination of the locus standi of the petitioner J&K PSC in the matter.
4. Vide a selection advertisement no. 03-PSC (DR) of 2016 dated 19/02/2016, carried out by the petitioner J&K PSC, a selection process for appointment to a single post of Lecturer, Super Specialty (Medical Oncology), Govt. Medical College

(GMC), Jammu in open merit category was undertaken.

5. In response to said advertisement, the selection process culminated in issuance of a selection notification no. 01-PSC (DR-S) of 2018 dated 09/02/2018 thereby declaring the proforma respondent no. 5 herein, namely Dr. Mohd. Hussain Mir, as being selected by the petitioner J&K PSC. There were only three eligible candidates who had competed for the selection and called by the J&K PSC for the interview held on 23/01/2018 in which one absented leaving only two that is the proforma respondent no. 5 Dr. Mohd. Hussain Mir and the respondent herein Dr. Rajeev Gupta in the fray. The selection of the proforma respondent no. 5 Dr. Mohd. Hussain Mir meant a consequent recommendation by the petitioner J&K PSC to the Health & Medical Education Department of the Govt. of the then State of J&K, for his appointment to the post.

6. Feeling aggrieved by the selection and recommendation of the proforma respondent no. 5 Dr. Mohd. Hussain Mir, and his consequent non-selection, the respondent Dr. Rajeev Gupta, came to challenge the said selection cum recommendation of the proforma respondent no. 5 Dr. Mohd. Hussain Mir and consequently staked his claim for the selection by medium of a writ petition SWP no. 1442/2018 before this Court, then being the High Court of the State of Jammu and Kashmir, competent to deal with service cum selection matter related writ(s) filed under article 226 of the Constitution of India read with section 103 of the Constitution of Jammu & Kashmir. .

7. In the writ petition, the respondent Dr. Rajeev Gupta had claimed the relief of quashing the selection of the proforma respondent Dr. Mohd. Hussain Mir and for consequent direction to consider his i.e., Dr. Rajeev Gupta's case. The reliefs sought in his writ petitioner by the respondent Dr. Rajeev Gupta was as follow:

"Writ of Certiorari whereby quashing the selection/appointment of private respondent in terms of notification bearing no. 01-PSC (DR) of 2018 dated 09/02/2018;

Further writ of mandamus whereby directing the respondents (PSC) to select and recommend the case of the petitioner, being more experienced and highly qualified and recommend the case of the petitioner of official respondents for selection/appointment lecturer in Medical Oncology in Super Speciality Hospital , GMC Jammu.

And

Any other order/direction ..."

8. In his writ petition, the respondent Dr. Rajeev Gupta had impleaded as respondent no. 4 & 5 the two members of the interview committee who were experts. The stated reason for doing so was that the selection of the proforma respondent Dr. Mohd. Hassan Mir was being assailed on ground of bias alleged to be subsisting on account of the fact that the proforma respondent Dr. Mohd. Hussain Mir was working in AIIMS Hospital, New Delhi for "Fellowship in Bone

Marrow Transplantation” from 11/02/2017 to 10/02/2018 and in this course of engagement in the AIIMS New Delhi, he was the student of the respondent no. 4, one of the two named experts involved in the interview. The pleading to the effect as to how the bias of the experts against the respondent and in favour of the proforma respondent came to prejudice the better selection claim of the respondent Dr. Rajeev Gupta was set up in the writ petition.

9. In the meanwhile pursuant to the Administrative Tribunal Act, 1985 becoming applicable in the Union Territory of Jammu & Kashmir, pursuant to the J&K Reorganization Act, 2019, all the service writ petitions pending disposal in the High Court of Jammu & Kashmir And Ladakh, came to be transferred to the Jammu Bench of the Central Administrative Tribunal, so the respondent Dr. Rajeev Gupta’s writ SWP no. 1442/2018 too came to be transferred to the Central Administrative Tribunal (CAT) Jammu Bench for adjudication and whereat the writ petition came to be diarized as T.A. No. 61/6606/2020. It is this transferred petition which came to be adjudicated and disposed of by the Central Administrative Tribunal Jammu Bench.

10. The Central Administrative Tribunal, Jammu Bench, vide its judgment dated February 3rd, 2022, has come to allow the petition of the respondent Dr. Rajeev Gupta. The proforma respondent no. 5 Dr. Mohd. Hussain Mir’s selection has come to be set aside with a corresponding direction to the petitioner J&K PSC to consider the candidature of the respondent Dr. Rajeev Gupta for the post of Lecturer Super Specialty (Medical Oncology) GMC Jammu. The Central Administrative Tribunal, Jammu Bench came to hold that there was an element of bias operative in the interview effecting the marks giving by the experts. It is relevant to cite here that before the Central Administrative Tribunal, Jammu Bench, neither the proforma respondent Dr. Mohd. Hussain Mir nor the two experts, who were named as party in the case, had chosen to appear and rebut the claim and charge of the respondent Dr. Rajeev Gupta, and hence the three were proceeded set ex parte in the case.

11. It was only the petitioner J&K PSC which had sought to meet and rebut the case of the respondent Dr. Rajeev Gupta against the impugned selection and recommendation of Dr. Mohd. Hussain Mir before the Central Administrative Tribunal, Jammu Bench. Interestingly in its Objections/Counter before the Central Administrative Tribunal Jammu Bench, the petitioner J&K PSC had raised a preliminary objection to the respondent Dr. Rajeev Gupta’s petition that it does not disclose infringement of any legal, fundamental or statutory right of the respondent Dr. Rajeev Gupta in so far as the J&K PSC is concerned which is a sine quo non for maintaining the application before the Tribunal.

12. Against said judgment dated 03/02/2022 of the Central Administrative Tribunal Jammu Bench the present writ petition under article 226 of the Constitution of India has been addressed by the petitioner J&K PSC. In the writ petition, Dr. Rajeev Gupta has come to be named as the sole respondent whereas the other four parties are proforma respondents including the two

experts in the interview committee and Dr. Mohd. Hussain Mir whose selection was upset figuring as proforma respondent no. 5.

13. The relief asked for in the present writ petition by the petitioner J&K PSC is reproduced as under:

"Writ in the nature of certiorari quashing the judgment/order dated 03-02-2022 passed by the Central Administrative Tribunal Jammu Bench whereby the TA bearing no 6606/2020 Titled Dr Rajeev Gupta Vs State of J&K & ors has been allowed and the selection of respondent no 5 has been set aside with direction to consider the case of the respondent no 1.

Any other appropriate order which this Hon'ble Court may deem just and proper in the given facts and circumstances of the case may also be passed in favour of the Petitioner and against the respondents."

14. The writ petition, upon its meaningful perusal, engaged the attention of the Court firstly as to the very obvious fact that the challenge to the judgment dated 03/02/2022 of the Central Administrative Tribunal, Jammu Bench is not by the proforma respondent Dr. Mohd. Hussain Mir, whose selection for appointment for the post of Lecturer Super Specialty (Medical Oncology) GMC Jammu, was eventually set aside by the Central Administrative Tribunal, Jammu Bench, and secondly not even either of two or for that matter even both the experts have come forward to contest the observations amounting to finding in the Tribunal's judgment as to their biased status in the matter of interview in favour of the proforma respondent Dr. Mohd. Hussain Mir, and last, but not the least, lack of the essential averments in the writ petition as to the legal basis of the grievance/objection of the petitioner J&K PSC against the impugned judgment.

15. Mr. F.A. Natnoo, the learned Counsel for the petitioner J&K PSC, labored on his part but was not able to point out a single line averment, lest explain and argue, as to the locus standi of the petitioner J&K PSC in invoking the writ jurisdiction under article 226 of the Constitution of India aimed against the Central Administrative Tribunal Jammu Bench's judgment in the case. We have not been able to appreciate as the basis on which the petitioner J&K PSC is aggrieved of the impugned judgment when it was the impugned selection of the proforma respondent Dr. Mohd. Hussain Mir which has been set aside by the Tribunal on the finding of real likelihood of bias of the experts involved in the interview and allocation of marks to the proforma respondent Dr. Mohd. Hussain Mir and the respondent Dr. Rajeev Gupta. It would serve the context to mention that the respondent Dr. Rajeev Gupta had earned 41 points in academic assessment whereas the proforma respondent Dr. Mohd. Hussain Mir had earned 40.03 points in the academic assessment. In the demo + viva voce, the respondent Dr. Rajeev Gupta's point score was 15.50 making his total score 56.50 whereas that of the proforma respondent Dr. Mohd. Hussain Mir's was 20.25 making his total score as 59.78.

16. In the writ petition, the impugned judgment of the Central Administrative

Tribunal, Jammu Bench has not impinged on any aspect as to the interpretation of the Rules/Regulations governing the constitutionally prescribed working/functioning of the petitioner J&K PSC in the matter of carrying out the selection process in reference. As the proforma respondent Dr. Mohd. Hussain Mir has not taken upon himself to agitate his grievance against the impugned judgment of the Central Administrative Tribunal, Jammu Bench by filing any petition, then the petitioner J&K PSC cannot afford itself the cause to come up with the present writ petition except at the cost of impression of being prejudiced against the petitioner.

17. Upon the query being put by the Court, the learned Counsel for the petitioner J&K PSC was not able to draw out even the averments in the writ petition, as to vide which decision taken the petitioner J&K PSC, that the Secretary of the J&K PSC has ventured to sign and file the writ petition against the judgment in the case. The loss of reference from the learned Counsel for the petitioner J&K PSC left the Court pondering whether any conscious call/decision was, in fact, ever actually taken by the petitioner J&K PSC to challenge the judgment of the Central Administrative Tribunal, Jammu Bench passed in the case, or is it just on the mechanical motion/call to and/or by the Secretary of the petitioner J&K PSC that the writ petition has come to be filed. Be it as it may be, the fact remains that the writ petition is divorced of the elementary pleading as to the locus standi of the petitioner J&K PSC in assailing the impugned judgment of the Central Administrative Tribunal Jammu Bench which is surely not affecting or meaning to affect any legal/statutory/constitutional right and status of the petitioner J&K PSC going by the same standard as the petitioner J&K PSC had countered the petition of Dr. Rajeev Gupta before the Tribunal.

18. Faced with the aforesaid salient aspects, the best that can be said about entertaining the present writ petition is that for giving it any indulgence worth hearing would be to bid good-bye to the law of locus standi which otherwise is meant to meet every entrant case/cause, particularly on civil and writ jurisdiction side, at the doorstep of the court of law.

19. Before affirming the conclusion that the petitioner J&K Public Service Commission is found to be having no locus standi in maintaining the present writ petition, it shall serve well the basis of the Court's view on the lack of locus standi of the petitioner J&K PSC to draw reliance from the legal position on the subject of locus standi as settled by the Hon'ble Supreme Court of India and that too in the context of writ petition(s) under Article 226 of the Constitution of India.

20. By the long run of time it has now been in use and so well embedded in the legal minds that the expression "locus standi" hardly needs its introduction for understanding. In fact, the most simple statement on it is to be found in the Black's Law Dictionary (Sixth Edition) bearing the wordings "locus standi: A right of appearance in a court of justice, or before a legislative body, on a given question". In fact it will not be a misplaced comparison that what is "Right to Sue" in a civil suit is "Locus Standi" in a writ petition.

21. In the context of locus standi for maintaining a writ petition invoking jurisdiction under article 226 of the Constitution of India, Hon'ble Supreme Court of India's judgment in "AIR 1966 SC 828 Gadde Venkateswara Rao Vs Government of A.P" commends its first mention by reference to para 8 which read as follow :-

"8. The first question is whether the appellant had locus standi to file a petition in the High Court under Art. 226 of the Constitution. This Court in *The Calcutta Gas Co. (Proprietary) Ltd. v. State of West Bengal* (1962) Supp 3 SCR 1 at p.6: (AIR 1962 SC 1044 at p. 1047), dealing with the question of locus standi of the appellant in that case to file a petition under Art. 226 of the Constitution in the High Court, observed;

"Article 226 confers a very wide power on the High Court to issue directions and writs of the nature mentioned therein for the enforcement of any of the rights conferred by Part III or for any other purpose. It is, therefore, clear that persons other than those claiming fundamental right can also approach the court seeking a relief thereunder. The Article in terms does not describe the classes of persons entitled to apply thereunder; but it is implicit in the exercise of the extraordinary jurisdiction that the relief asked for must be one to enforce a legal right..... The right that can be enforced under Art. 226 also shall ordinarily be the personal or individual right of the petitioner himself, though in the case of some of the writs like habeas corpus or quo warranto this rule may have to be relaxed or modified."

Has the appellant a right to file the petition out of which the present appeal has arisen? The appellant is the President of the Panchayat Samithi of Dharmajigudem. The villagers of Dharmajigudem formed a committee with the appellant as President for the purpose of collecting contributions from the villagers for setting up the Primary Health Centre. The said committee collected Rs.10,000/- and deposited the same with the Block Development Officer. The appellant represented the village in all its dealings with the Block Development Committee and the Panchayat Samithi in the matter of the location of the Primary Health Centre at Dharmajigudem. His conduct, the acquiescence on the part of the other members of the committee, and the treatment meted out to him by the authorities concerned support the inference that he was authorized to act on behalf of the committee. The appellant was, therefore, a representative of the committee which was in law the trustees of the amounts collected by it from the villagers for a public purpose. We have, therefore, no hesitation to hold that the appellant had the right to maintain the application under Art. 226 of the Constitution. This Court held in the decision cited supra that "ordinarily" the petitioner who seeks to file an application under Art. 226 of the Constitution should be one who has a personal or individual right in the subject-matter of the petition. A personal right need not be in respect of a proprietary interest: it can also relate to an interest of a trustee. That apart, in exceptional cases, as the expression "ordinarily"

indicates, a person who has been prejudicially affected by an act or omission of an authority can file a writ even though he has no proprietary or even fiduciary interest in the subject-matter thereof. The appellant has certainly been prejudiced by the said order. The petition under Art. 226 of the Constitution at his instance is, therefore, maintainable.”

22. This Court is fully cognizant that the concept of the locus standi, in the course of time, has not remained captive and has been explained and expanded in the course of development of the constitutional law in India as is found to be so stated in “2002 (1) SCC 33 Ghulam Qadir vs. Special Tribunal” in para 37 and 38 which are reproduced herein next for the sake of reading the text and context direct.

“37. Regarding locus standi of the respondents to file the writ petition against the order of the Tribunal, Shri Rao has launched a two-pronged attack submitting that the respondent-tenants being not the aggrieved parties had no right to challenge the order passed against them as they claimed through the custodian and did not have any independent right in themselves. So far as the authorities under the Act are concerned, it is submitted that they could not have preferred a writ petition being a quasi-judicial authority entrusted with the powers of adjudication of rights of the claimants over the property vesting in such authorities. In support of his submissions, he has referred to various provisions of the Act and relied upon some pronouncements of this Court.

38. There is no dispute regarding the legal proposition that the rights under Article 226 of the Constitution of India can be enforced only by an aggrieved person except in the case where the writ prayed is for habeas corpus or quo warranto. Another exception in the general rule is the filing of a writ petition in public interest. The existence of the legal right of the petitioner which is alleged to have been violated is the foundation for invoking the jurisdiction of the High Court under the aforesaid Article. The orthodox rule of interpretation regarding the locus standi of a person to reach the court has undergone a sea-change with the development of constitutional law in our country and the constitutional courts have been adopting a liberal approach in dealing with the cases or dis-lodging the claim of a litigant merely on hyper-technical grounds. If a person approaching the court can satisfy that the impugned action is likely to adversely affect his right which is shown to be having source in some statutory provision, the petition filed by such a person cannot be rejected on the ground of his having not the locus standi. In other words, if the person is found to be not merely a stranger having no right whatsoever to any post or property, he cannot be non-suited on the ground of his not having the locus standi.”

23. This Court is well aware that by no means it is meaning to hold or suggest that an Institution or a Body, be it public, statutory or constitutional one, as is the petitioner J&K Public Service Commission in the case, cannot have a situation, in the course of its administering the function and/or work within the domain of its authority, to find itself legally aggrieved by an adjudication/

judgment/direction/order/observation rendered by a court of law/judicial or quasi-judicial tribunal with respect to the decision/direction/order of the given Institution/Body, and to seek for the redressal of its grievance through common or constitutional course of law while bearing a locus standi to avail it. For this "AIR 1994 SC 2595 High Court of M.P Vs Mahesh Parkash" can be cited by reproduction of para 16 of the Hon'ble Supreme Court's judgment. Para 16 reads as follow:-

"16. In our view, there can be no doubt that when its administrative order is set aside the High Court is adversely affected. It is, therefore, a party aggrieved. In the instant case, even assuming that we ignore the observations of the Division Bench in regard to mala fides, lack of a dispassionate approach and extraneous considerations on the ground that these had not been urged by the first respondent and the High Court could have sought expunction thereof, as suggested by Mr Venugopal, the order under appeal found that the first respondent had been discriminated against by the Full Court. It is impossible to accede to the submission, in these circumstances, that the High Court was not aggrieved by the order under appeal. Apart therefrom, the 1st respondent's delay in approaching the writ court had resulted in the creation of a long- settled position as to seniority in the subordinate judiciary; disturbing the long-- settled position adversely affected not only the 39 Civil Judges whose seniority was displaced but also the functioning of the subordinate judiciary, responsibility for which lay with the High Court. It is, therefore, as open to the High Court to agitate the ground of delay and laches as it would have been open for the 39 Civil Judges had they preferred an appeal."

24. In fact, in a given context even a State Government has been held to have a locus standi to challenge an order under Article 226 of the Constitution of India and for this reference is made to "AIR 2012 SC 2697 Village Panchayat Calangut Vs Additional Director of Panchayat-II & ors." and others with the Hon'ble Supreme Court of India holding in para 24 as follow :-

"24. In State of Orissa v. Union of India 1995 Supp. (2) SCC 154, the Court considered the question whether the State Government has locus standi to challenge the order passed by the Central Government in exercise of its revisional power under the Mineral Concession Rules, 1960. While answering the question in affirmative, this Court observed:

"In this connection, it is necessary to note that in the first place, the State Government is not merely an authority subordinate to the Central Government which would, undoubtedly, be bound by the revisional orders of the superior authority. It is also the owner of the mines and minerals in question. If it is directed to issue a mining lease in favour of any party, it has locus standi to challenge that order under Article 226 of the Constitution of India."

In para 25 next it has been held to the effect as follow :-

"In Godde Venkateswara Rao v. Government of Andhra Pradesh, AIR 1966 SC

828, this Court examined the issue of locus standi of a President of Panchayat Samithi to challenge the decision of the Government in the matter of location of Primary Health Centre and held:

"Article 226 confers a very wide power on the High Court to issue directions and writs of the nature mentioned therein for the enforcement of any of the rights conferred by Part III or for any other purpose. It is, therefore, clear that persons other than those claiming fundamental right can also approach the court seeking a relief thereunder. The Article in terms does not describe the classes of persons entitled to apply thereunder; but it is implicit in the exercise of the extraordinary jurisdiction that the relief asked for must be one to enforce a legal right. The right that can be enforced under Art. 226 also shall ordinarily be the personal or individual right of the petitioner himself, though in the case of some of the writs like habeas corpus or quo warranto this rule may have to be relaxed or modified.

Has the appellant a right to file the petition out of which the present appeal has arisen? The appellant is the President of the Panchayat Samithi of Dharmajigudem. The villagers of Dharmajigudem formed a committee with the appellant as President for the purpose of collecting contributions from the villagers for setting up the Primary Health Center. The said committee collected Rs.10,000/- and deposited the same with the Block Development Officer. The appellant represented the village in all its dealings with the Block Development Committee and the Panchayat Samithi in the matter of the location of the Primary Health Center at Dharmajigudem. His conduct, the acquiescence on the part of the other members of the committee, and the treatment meted out to him by the authorities concerned support the inference that he was authorized to act on behalf of the committee. The appellant was, therefore, a representative of the committee which was in law the trustees of the amounts collected by it from the villagers for a public purpose. We have, therefore, no hesitation to hold that the appellant had the right to maintain the application under Art. 226 of the Constitution. This Court held in the decision cited supra that "ordinarily" the petitioner who seeks to file an application under Art. 226 of the Constitution should be one who has a personal or individual right in the subject-matter of the petition. A personal right need not be in respect of a proprietary interest: it can also relate to an interest of a trustee. That apart, in exceptional cases, as the expression "ordinarily" indicates, a person who has been prejudicially affected by an act or omission of an authority can file a writ even though he has no proprietary or even fiduciary interest in the subject matter thereof. The appellant has certainly been prejudiced by the said order. The petition under Art. 226 of the Constitution at his instance is, therefore, maintainable."

25. Now, coming to the very text of the present writ petition, it is clear that the locus standi has been missed from being pleaded in the writ petition by the petitioner J&K PSC. The writ remedy is not meant to be invoked by a proxy as is, in fact, the present case. The writ jurisdiction of this Court is, no doubt, that of equity but still it cannot afford to overlook the glaring lacunae of the writ petition

and still proceed to extend it a hearing on the merits of the cause. Law of Pleadings does not go missing in application when it comes to the matter of maintaining a writ petition before the High Court and also does not recognize any exception for an individual or an institution coming as a petitioner. A case in all its legal contour has to be pleaded is a writ petition bearing clarity and conception not only for the opposite party's reply but for the court as well to apply in full the faculty which is commonly known as the application of mind. The writ petition constrains us to observe that there are no pleadings to show, lest to prove, the locus standi of the petitioner J&K PSC in the facts and circumstances of the case .

26. In fact the scenario in the present case bears close resemblance with a case dealt by the Division Bench of the High Court of Rajasthan in its decision reported as "2001 (2) RLR 708 Rajasthan Pharmacy Council vs. State of Rajasthan" with the following observations in para no. 16 serving the mention:-

"16. In fact, the council appears to have been espousing cause of S.C. Pant against whom earlier previous sanction has been revoked under the impugned order, and for whose benefit the writ petition has been filed, that too without even impleading him as a party to the petition, especially when the lis between the council and the State Government had been due to permission accorded by the Government to its Officer Shri Pant to work as Registrar of the Council on part time basis and which stood withdrawn by impugned order dated 22.1.2000 (Annex.6). Yet, Shri Pant is not a party to the lis where a decision either way is bound to affect his right depriving him of monthly allowance as part time Registrar to the tune of Rs.500/- per month. Reliance can be placed upon the decision in Krishan Swami v. Union of India (8). Here, the present lis appears to have been fighting by Shri Pant as a proxy through the Council and in either case if he had any complaint about or against the order (Annex.6) he should have himself chosen to challenge the same. That being so, in our considered view, the learned Single Judge has rightly observed, "judicial restraint does not permit me to make elaborate discussion on the point raised by the learned counsel for the petitioner, insisting upon that only Shri Subhash Chandra Pant should act as Registrar of the Council" and further, "filing of the present petition by the Council and act and omission of Shri Pant in not approaching this Court against the impugned order of withdrawal of previous as Registrar speaks louder than words". Ultimately, the learned Single Judge rightly concluded that the council could not complain about alleged denial of natural justice since by issue of Annex.6 the rights and privileges, if any of Shri Pant were judicially affected, therefore, it was Shri Pant who could claim denial of doctrine of natural justice and not the council."

27. Learned counsel Mr. F.A. Natnoo for the petitioner J&K PSC has sought to fetch reliance from the following judgments, "Dalpat Abasaheb Solunke & ors. vs. Dr. B.S. Mahajan & ors. reported in 1990 1 SCC 305; Utkal University vs. Dr. Nrusingha Charan Sarangi and ors. reported in 1999 2 SCC 193 and Shabana

Khan vs. State of J&K and ors. reported in (2015) 2 JKJ 234", but the same do not meet the preliminary objection to the writ petition not only about the lack of locus standi of the petitioner J&K PSC in the facts and circumstances of the case but also lack of pleadings to the effect. Hence, the said citations hold no appeal of relevance for the Court to take notice for consideration.

28. The writ petition is, accordingly, dismissed.