

(2010) 04 J&K CK 0040
In the Jammu And Kashmir High Court

Rekha Rani

APPELLANT

Vs

State of Jammu & Kashmir and Others

RESPONDENT

Date of Decision : 20-04-2010

Acts Referred:

Citation : (2010) 2 JKJ 35

Hon'ble Judges : Jai Pal Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

J.P. Singh, J.—Petitioner has filed this Writ Petition questioning the selection of respondent Nos. 6 & 7 as Rehbar-e-Taleem for Primary

School Surth in Zone Bhaddu of District Kathua on the ground that the State-respondents had erred in selecting respondent Nos. 6 & 7 ignoring

the superior merit of the petitioner who had figured at Serial No. 1 of the Merit Panel. The State-respondents do not dispute the placement of the

petitioner at Serial No. 1 of the panel, but contest her claim to selection and engagement, inter alia, on the ground that she had not furnished proof

of her residence at Ramkote and had rather enclosed with her application, the Permanent Resident Certificate of one Vinay Kumar, stated to be

her husband but without any documentary proof of the marriage. Her claim to selection was thus rejected on the ground that she was not resident

of Village Ramkote, a necessary eligibility condition for selection as Rehbar-e-Taleem.

2. The maintainability of the petitioner's Writ Petition has been contested additionally on the ground of delay and laches urging that the petitioner

was disentitled to question the selection of the respondents made in June 2000

after a period of about 4 = years.

3. I have considered the submissions of learned Counsel for the parties and find that the petitioner has not given any explanation of any type

whatsoever for her delayed approach to the Court to question the respondents' selection for more than four years. The documents placed on

records by the petitioner indicate that the grievance against the selection of the respondents had been raised for the first time only in February

2004.

4. Absence of any explanation by the petitioner in not questioning the respondents' selection for about four years, thus raises presumption of her

having accepted their selection. The petitioner's Writ Petition may not, therefore, be maintainable being barred by delay and laches, in that, it

would be imprudent to upset the respondents' selection at this stage, after a period of more than nine years.

5. That apart, having failed to furnish proof of her residence at Village Ramkote at the time when she had sought selection for engagement as

Rehbar-e-Taleem and her omission to place any material on the records of the Court during the pendency of the Writ Petition, to controvert the

respondents' plea about her residence at Village Ramkote and to substantiate that she stood married and had been residing at Village Ramkote

before the issuance of the Advertisement Notice inviting applications for selection of Rehbar-e-Taleem, disentitles her to question the selection for

the respondents and claim selection as Rehbar-e-Taleem.

6. The petitioner's plea that the selection of respondent Nos. 6 & 7 was bad in law, therefore, fails and is, accordingly, rejected.

7. Found without merit and even otherwise non-maintainable, this Writ Petition, therefore, fails and is, accordingly, dismissed.