
(2010) 08 J&K CK 0017
In the Jammu And Kashmir High Court
Case No : LPASW No. 172 of 2009

Riaz Ahmed

APPELLANT

Vs

State of J. and K. and Others

RESPONDENT

Date of Decision : 16-08-2010

Acts Referred:

Citation : (2010) 3 JKJ 561

Hon'ble Judges : Aftab H. Saikia, C.J; Mohammad Yaqoob Mir, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Aftab H. Saikia, C.J.—Heard Mr. M.I. Sherkhan, learned Counsel for appellant and Mrs. Neeru Goswami, learned Deputy Advocate

General appearing on behalf of official respondents.

2. By means of this appeal, appellant has questioned the validity of the order dated August 20, 2009 passed by Writ Court in writ petition, SWP

No. 1719/2005.

3. The grievance meted out in this appeal is that the appellant applied for the post of Rehabar-e-taleem in Primary School Sawjian in the year

2000. On completion of the selection process, the appellant did not find his name in the selection list and, therefore, he was deprived of the

appointment. Being dissatisfied with non-selection to the said post, the appellant initiated the instant writ proceeding claiming that his name figured

in the list of selected candidates prepared by Zonal Education Officer, Mandi, however, having his requisite qualification and eligibility, he had not

been selected.

4. The writ petition was dismissed by the Writ Court on the ground of inordinate

delay in preferring the writ petition observing that although selection process pertained to the year 2000, the appellant initiated writ proceeding only in the year 2005, after a lapse of five years.

5. It is emphatically stated on behalf of appellant that there was no delay and latches on his part in preferring this writ petition. However, such delay has not been sufficiently and satisfactorily explained. On the other hand, Mrs. Goswami, learned Deputy Advocate General, appearing for the official respondents, has submitted that the very Scheme for appointment of Rehbar-e-taleem has already been stopped by the Government in the year 2003 and the appellant not being selected in the selection process of 2000, there is no scope for his selection in the said post. Moreover, he has approached this Court only in the year 2005, as against his non-selection in the year 2000, when in the year 2003 itself, the Scheme has already been dropped.

6. Having heard learned Counsel for the parties at length and also on close perusal of the impugned judgment and the records so made available before us, it is found that the finding arrived at by the learned Single Judge is well reasoned and in consonance with the provisions of law. We are also in full agreement with the views so recorded by the learned Single Judge that the appellant has approached the Court in the year 2005 against the selection process held in the year 2000. Moreso, it is also on the record that the Scheme has already been done away with in the year 2003 itself.

7. In view of the above, we do not find any merit in this appeal and the same stands dismissed.