

(2020) 06 J&K CK 0023

In the Jammu And Kashmir High Court

Case No : Other Writ Petition No. 905 Of 2014

Tehmina Choudhary

APPELLANT

Vs

State Of J&K And Others

RESPONDENT

Date of Decision : 30-06-2020

Acts Referred:

Citation : (2020) 06 J&K CK 0023

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajesh Bindal, J

1. The petitioner approached this Court praying for the following reliefs :-

"(a) The respondents be directed to entertain the application of the petitioner for the post of Assistant Professor in the discipline of Sociology and for this purpose appropriate writ, direction or order be issued including a Writ of Mandamus."

2. Notice in the petition was issued on 27.06.2014 and the following interim order was passed:-

"OWP No. 905/2014

Four weeks' notice to the respondents. Requisites within one week.

List after service is complete.

CMA No. 1223/2014

Heard.

Notice as above.

In the meantime, as ad interim, subject to objections and till next date before the Bench, respondent No. 3 shall entertain application form of the applicant in

terms of Rule 37 of the Public Service Commission Business Rules in response to vacancy Notification No. 12-PSC(DR-P) of 2014 dated 29.05.2014. Entertainment of application form shall not confer any right on the petitioner and her taking part in the selection process shall be governed by further orders of this Court."

3. Thereafter, vide order dated 23.12.2015 passed by this Court, respondent No. 3 was directed to allow the petitioner to participate in the process of interview at her own risk and responsibility. Further, it was directed that the result of petitioner be declared until and unless directed by this Court.

4. The matter was last listed in Court on 29.02.2016 when the following order was passed:-

"Caveat No.567/2016

Discharged.

LPAOW No.7/2016

1. This appeal is preferred against the interim order of writ court made in MP No.02/2015 in OWP No.905/2014 dated 23.12.2015 giving direction to the appellant herein to allow the writ-petitioner-respondent No.1 to participate in the process of interview at her own risk and responsibility.

2. Admittedly, writ petitioner-respondent NO.I was not qualified before the cut off date fixed for submitting the application' for the post of Assistant Professor Sociology. As per notification dated 29.05.2014, the last date fixed for submitting the application was 02.07.2014.

3. In the affidavit filed in support of the writ petition, respondents stated that result of the 4th semester was declared in the month of January. 2015, thus the respondent was not qualified to submit the application on the last date for submitting the application for the post of Assistant Professor(Sociology).

4. The issue was already considered by Hon'ble the Supreme Court in Ashok Kumar Sharma vs. Chander Shekhar(1997 Legal Eagle (SC) 421). In paragraph 6 of the said judgment, it is held that a person who acquires the prescribed qualification, subsequent to such prescribed date cannot be considered, as eligible.

5. Applying the said judgment to the facts of this case, the appeal is allowed and order dated 23.12.2015 of learned Writ Court is set aside. Resultantly, the writ petition (OWP No.905/2014) is dismissed. No costs."

5. Thereafter, the matter was never listed in Court as it was not pursued by the petitioner. Apparently, the petitioner has lost interest to pursue the present petition and get the same listed or may be with the interim directions issued by this court, the petitioner has already been granted relief by the authority concerned. More so, none of the selected candidate has been impleaded as party respondent in the writ petition.

6. There are matters pending in this court in which issue of admission to various professional courses and other classes is involved. In some by interim order either admission was granted or seats were directed to be kept vacant but the cases are still lying in court for decades. There are matters where issues regarding construction of roads, culverts, schools, colleges, community centres and other projects of development are pending consideration before this court. In some cases interim stay has also been granted. In these cases even the government departments and counsels are not taking any interest to furnish the requisite information to the court and get those cases disposed of. In fact, as a result of pendency of these types of cases lot of development projects have been put on hold. These are few examples being noticed. There are many more.

7. Regularly, the cause list is being issued, which is being uploaded on the website of the High Court. The same is accessible to the Advocates as well as to the litigants. In the cause list issued for this Court, a specific note is being printed to the following effect:

"All Advocates whose cases are listed in cause list are requested to contact the concerned Bench Secretary-Mr. Hilal Yousuf on Mobile No. 9419150533 / Reader-Mr. Reagan Thakur on Mobile No. 9419140621."

8. In the present case as well none of the parties contacted the Bench Secretary or Reader of this Court.

9. Keeping in view the aforesaid facts, nothing survives in the present petition, at this stage, as the prayer made therein has been rendered infructuous. The same is accordingly, dismissed, however, with liberty to the petitioner to revive the same within a period of three months from today, if cause of action still survives.

10. Copy of the order be sent to the petitioner.