

Yasmeen Ashai And Others vs Union Territory Of J&K And Others on 7 April, 2022

Bench: Chief Justice, Moksha Khajuria Kazmi

Sr. No. 5

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
ATJAMMU

CJ Court

Case: WP(C) No. 755 of 2022
Cav No. 56 of 2022

Yasmeen Ashai and Others

.....Appellant/Petitioner(s)

Through :- Sh. Z. A. Shah, Sr. Advocate with
Sh. Javed Iqbal Balwan, Advocate

v/s

Union Territory of J&K and Others

.....Respondent(s)

Through :- Sh. D. C. Raina, Advocate General with
Sh. Suneel Malhotra, Dy. AG.
Sh. Abhinav Sharma, Sr. Advocate with
Ms. Pallavi Sharma, Advcoate.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER

01. Heard Z. A. Shah, Senior Advocate assisted by Sh. Javed Iqbal Balwan, Sh. D. C. Raina, learned Advocate General with Sh. Suneel Malhotra, learned Government Advocate and Sh. Abhinav Sharma, Senior counsel assisted by Ms. Pallavi Sharma, learned counsel for the respondents/caveators.

02. Caveat No. 56 of 2022 stands discharged.

03. The dispute in this appeal is regarding the selection/appointment of Principals in various Degree Colleges of the Union Territory of Jammu and Kashmir.

04. The judgment and order dated 12.01.2022 passed by the Central Administrative Tribunal, Jammu Bench, (CAT) is under challenge and it has been submitted that the post of Principal under Rules is to be filled up by selection and that there is no provision for regularization or for promotion

on the said post.

05. It has been submitted that the entire judgment of the CAT is dependent upon the Division Bench decision of this Court passed in LPA(SW) No. 159 of 2016 on 16.12.2016 against which two Review Petitions are pending.

06. In view of the above, we direct the petition to be listed for consideration on 25th April 2022 along with Review Petition (RPLPA) No. 4 of 2017 and Condonation application (CDLSW) No. 102 of 2017 in Review Petition and Contempt Petition (CPLPA) No. 3 of 2018.

07. Since the Colleges cannot be allowed to work without any Principal, in the ends of justice, till the next date of listing, the parties are directed to maintain status quo with regard to the working on the post of Principals, may be by the Incharge Principals or the selected Principals except those who have already retired.

(MOKSHA KHAJURIA KAZMI)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

JAMMU
07.04.2022
Tilak.