



Government of Jammu and Kashmir  
Govt. Medical College SRINAGAR  
10-Karan Nagar, Srinagar, J&K-190010  
(Legal Section)



In the matter of: **Accord of Consideration in WP(C) 151/2024 titled Manzoor Ahmad Paul Vs UT of J&K and ors.**

Order No :- 28 of 2026.

Dated : 07/07/2026.

- a) Whereas, the petitioner through the medium of present petition has sought relief in the nature of a Certiorari commanding upon the respondents to allow the petitioner to continue as ECG Assistant in GMC Srinagar/Associated Hospitals Strictly in accordance with the terms and conditions of appointment Order No. 277 of 2015 dated 04-07-2015 issued by the respondent no. 2 or order or direction in the nature of Mandamus commanding upon the respondents to allow the petitioner to continue on the analogy of the similarly situated candidates or in and alternative the order of termination and issued vide Order No. 381 of 2023 dated 01-06-2023 be quashed and set aside by the Hon'ble court.
- b) Whereas, the Hon'ble High court has been pleased to pass an order dated 18-04-2026, the operative portion of which is as under:  
***"In the meanwhile, the respondents are directed to consider the claim of the petitioner with regard to contention that they are similarly place with the applicants of SLP(C) No 12238/2023 read with interim order passed in SLP(C) No.3981/2023, in which the Supreme Court has directed maintenance of Status Quo re-termination of the services of the petitioner therein and all other similarly situated employees."***
- c) Whereas, the order in question i,e order No.381/2023 dated 01-06-2023 has already been challenged by the rest of the aggrieved petitioners before the Hon'ble Supreme Court in the SLP No. 14446/2023 titled Yaseer safer and ors Vs UT of J&K and ors., which is still pending before the Apex court.
- d) Whereas, the matter has already been adjudicated by the Hon'ble CAT vide common order dated: 15-11-2022 passed in TA No. 5646/2021 Hilal Ahmad Bhat Vs General Administrative Department and TA No. 221/2021 titled Hilal Ahmad Bhat Vs Health and Medical Education Department wherein the present petitioner was situated at Serial No. 95, in which total of petitioners were 477 in Number.



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- e) Whereas, the said order 15-11-2022 passed in TA No. 5646/2021 and TA No. 221/2021 was then challenged by the petitioners before the Hon'ble High court of J&K and Ladakh at Srinagar and Division Bench of the Hon'ble High court vide order dated: 31-01-2023 upheld order dated: 15-11-2022 by dismissing the petition.
- f) Whereas, the above narrated factual position of the matter reveals that the claim of the petitioners has already been adjudicated upon firstly by Hon'ble Central Administrative Tribunal vide order dated 15-11-2022 and then by the Hon'ble High Court by upholding the order pass by Hon'ble CAT by dismissing WP(C) No. 2682/2022 and 2683/2022 titled Mohammad Sameer Khan and ors Vs UT of J&K and ors and Javed Farooq Mir and ors Vs UT of J&K and ors respectively vide order dated: 31-01-2023 which fact has been suppressed by the petitioners to mislead the Hon'ble Court and got some relief in their favour against the respondent department vide interim order dated 02-08-2023.
- g) Whereas, the engagement of petitioners on academic arrangement basis is subject to the conditions stipulated in the said rules, including the maximum period of engagement as prescribed under SRO 409/2013. The respondents submit that the extensions granted to the petitioners were in accordance with the provisions of the applicable rules and regulations, and any representations made by the petitioners were duly considered within the framework of the law. The respondents' action was guided by the provisions of the Jammu & Kashmir Medical and Dental Education (Appointment On Academic Arrangement Basis) Rules, 2009, and subsequent amendments thereto. Having regard to the nature of engagement of the petitioners, it is not permissible under law to claim continuation or regularization. The relief sought by the writ petitioners in the present writ petition is also hit by the terms and conditions of the engagement order by virtue of which the petitioners were allowed to work on academic arrangement which clearly reflect that the petitioners cannot claim continuation beyond stipulated period nor can claim permanent absorption. The terms and conditions of the engagement order have been accepted by the petitioners fully knowing the nature of it and the consequences flowing from it. Such an appointee cannot invoke the theory of legitimate expectations for being allowed to continue. Moreover,

*[Handwritten signatures and initials in blue ink]*



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accepting relief as sought by the writ petitioners would amount to perpetuating illegality in the matter of public employment which would be a negation of the constitutional scheme adopted.

- h) Whereas, the petitioners in SLP 3981/2023 titled Munir Ahmad Shiekh and ors Vs UT of J&K and ors and the petitioners of 4003/2023 titled Wazira Akther and ors Vs UT of J&k and ors were discharging their duties without termination and got interim order dated 24-02-2023 from the Hon'ble Apex Court, therefore are still continuing in the department on the said interim order, however the petitioner in the instant petition along with other 33 applicants also approached the Hon'ble Apex court for impleadment via impleadment application 109422/2023 wherein the said petitioner is at serial No.06 and got themselves tagged in SLP 4003/2023 titled Wazira Akther and ors Vs UT of J&K and ors, on 06-07-2023 when they were already disengaged, and got no benefit from the Hon'ble Supreme Court

It is pertinent to mention here that the petitioner of the instant petition was already disengaged, i.e the disengagement order No. 381/2023 dated 01-06-2023 passed by GMC Srinagar was passed prior to the order dated 23<sup>rd</sup> of June 2023 passed by the Supreme court in SLP(C) No. 12238 of 2023, which reflects that the petitioners in the instant petition are not similarly situated with the petitioners of SLP(C) No. 12238 of 2023 who were working at the time, the Hon'ble Apex court passed the above judgment.

Now therefore in view of above quoted facts and legal position and in compliance of the Hon'ble Tribunal order dated: 18-04-2026 passed in WP(C) No.115/2023 titled Manzoor Ahmad Paul Vs UT of J&K and ors, the claim of the petitioner has been considered and found devoid of merits and is accordingly rejected.

  
  
**Principal/Dean**  
**Govt. Medical college**  
**Srinagar.**

**No: Legal/MC/Sgr/591-95**

**Dated: 07-07-26**

Copy to the:

1. Commissioner secretary to Govt. Health and Medical Education Deptt. Civil Secretariat.
2. Adv. Waseem Gul Govt. Advocate
3. IT Section for uploading on official website
4. Petitioner.