



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)
1905/2023 titled Saima Nazir and Anr Vs
UT of J&K and ors.**

Order No :- 21 of 2025

Dated : 27/11/2025.

- a) Whereas, the petitioner through the medium of present petition has sought relief in the nature of a Certiorari seeking quashment of orders No.402/2023, dated 06-06-2023 read with order No.381/2023 dated 01-06-2023 where under the paramedical staff, who had stay of more than 06 years of service contrary to rules (SRO 384) has been disengaged.
- b) Whereas, the Hon'ble High court has been pleased to pass an order dated 02-08-2023, the operative portion of which is as under:
"Meanwhile, subject to all just exceptions, the respondents to consider the claim of the petitioners claiming to be similarly placed with the appellants of SLP(C) No. 12238/2023"
- c) Whereas, the order in question i.e No.402/2023, dated 06-06-2023 read with 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 petitioners were situated at Serial No. 285 and 286 respectively, in which total of petitioners were 477 in Number.
- e) Whereas, the said order 15-11-2022 passed in TA No. 5646/2021 and TA No. 221/2021 was then challenged by the



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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 Javeed 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

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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, 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 respondent department vide order No. 20 of 2025 passed the consideration order on 15/11/2025, however, the Hon'ble court vide order dated: 25/11/2025 has observed that

"no distinction has been demonstrated by the respondent department regarding the status of the present writ petitioners vis-a-vis with the petitioners of SLP(C) No. 12238 of 2023. Without undertaking such an exercise, it was not open to the respondents to reject the claim of the petitioners. In view of the above, the respondents shall therefore reconsider the matter in the light of the order passed by his court on 2nd of August 2023 read with the order dated 23rd of June 2023 passed by the Supreme court in SLP(C) No. 12238 of 2023."


In view of the above it is pertinent to mention here that the petitioners of the instant petition were already disengaged, i.e the disengagement order No.402/2023, dated 06-06-2023 read with order No.381/2023 dated 01-06-2023 passed by GMC Srinagar were passed ahead of the order dated 23rd 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.



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Now in view of above facts and legal position quoted above and in compliance of the Hon'ble High Court order dated: 02-08-2023 and 25/11/2025 in WP(C) No.1905/2023 titled Saima Nazir and Anr Vs UT of J&K and ors, the claim of the petitioners have been again considered and found devoid of merits and is accordingly rejected.


Principal/Dean
Govt. Medical college
Srinagar.

No: Legal/MC/Sgr/371

Dated: 27/12/2025

Copy to the:

1. 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. Petitioners.