

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT
SRINAGAR**

Reserved on: 13.07.2026

Pronounced on: 17.07.2026

Uploaded on: 17.07.2026

*Whether the operative part or full
judgment is pronounced: **Full***

WP(C) No.180/2024

MOHAMMAD WASIM DAR & ORS.

...PETITIONER(S)

Through: - Mr. R. A. Bhat, Advocate.

Vs.

UT OF J&K AND ORS.

...RESPONDENT(S)

Through: - Ms. Sana Imam, Advocate.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1) The petitioners, through the medium of present petition, have sought a direction upon the respondents to allow them to continue as Desk Job workers with J&K Board of School Education (hereinafter referred to as the respondent Board)

2) The case set up by the petitioners is that pursuant to Advertisement Notice No.F (Admn-B)CU/13 dated 09.02.2013, they participated in the selection process and their names figured in the interview list dated 20.04.2016 whereafter they came to be appointed as Desk Job workers in terms of order bearing No.284-B of 2023 dated 21.08.2023 for

a period of sixty days on consolidated wages of Rs.3750/ per month, extendable at the option and requirement of the respondent Board.

3) It has been submitted that though basic Advertisement Notice came to be issued in the year 2013, but there was a long drawn litigation between the candidates who had participated in the selection process and the respondent Board, inasmuch as some of the candidates had challenged the selection and appointment made by the respondent Board in the year 2004, vide writ petition bearing SWP No.1520/2004. The said selection was quashed by the Court after holding that the same was illegal. The judgment of the Single Judge was challenged by the respondent Board by way LPA No.61/2007, which came to be decided by the Division Bench vide judgement dated 11.11.2010, whereby the judgment of the Single Judge, holding the appointments made in the year 2004 for the post of Desk Job workers as illegal was confirmed and the respondent Board was directed to re-advertise these posts, pursuant whereto, Advertisement Notice dated 09.02.2013 came to be issued by the respondent Board.

4) It has been submitted that the Advertisement Notice dated 09.02.2013 came to be challenged by the ousted candidates and they also sought regularization by filing writ

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petition bearing SWP No.367/2013. The said writ petition was allowed by the Court by holding that the ousted candidates are entitled to regularization. The respondent Board challenged the said judgment by way of LPA No.1/2019 and connected LPAs, which were finally decided by the Division Bench of this Court on 08.06.2023.

5) It has been submitted that on account of aforesaid long-drawn litigation, the engagement order in favor of the petitioners came to be issued only on 21.08.2023. It has been submitted that hundreds of backdoor employees working in the respondent Board are being allowed to continue by granting extension in their favour, but the petitioners have been denied similar benefit, thereby violating their right guaranteed under Articles 14 of the Constitution. The petitioners have placed on record order dated 19.12.2023 issued by the respondent Board, whereby extension has been granted to various temporary employees. They have also placed on record communication dated 15.12.2023 issued by the respondent Board, pursuant to RTI query, wherein it has been submitted that services of as many as 98 employees have been have been extended. Relying upon this information, the petitioners have sought similar treatment and prayed that the term of their engagement may also be extended.

6 The respondents have contested the writ petition by filing their reply to the writ petition, wherein the factual aspects of the case have been admitted, inasmuch as they have admitted that the petitioners have been engaged as Desk Job workers pursuant to Advertisement Notice dated 09.02.2013, vide engagement order dated 21.08.2023. The respondents have also admitted the averments made in the writ petition with regard to litigation on the subject. The respondents have, however, contended that engagement order pertaining to the petitioners is self-speaking and it provides that their engagement is purely on need basis and that the respondent Board shall be at liberty to terminate their engagement without assigning any reason. It has been further submitted that the selectees have no claim or right of regularization. It has been submitted that the petitioners were engaged only for a period of 60 days and they accepted the said condition by joining the service and now they are estopped under law to seek continuation beyond the said period. It has also been submitted that the petitioners are not similarly situated with the consolidated workers who have been granted extension in their services on the recommendations of the concerned officers. It has been submitted that the workers in whose favour the extension was granted are not Desk Job workers.

7) I have heard learned counsel for the parties and perused record of the case.

8) The grievance of the petitioners, in short, is that they are entitled to extension in terms of their engagement because similarly situated persons have been granted the benefit of extension of services by the respondents.

9) If we have a look at the engagement order dated 21.03.2023 issued by the respondent Board, it is clearly stipulated therein that engagement of the petitioners is for a transitory period of 60 days extendable at the option and requirement of J&K Board of School Education. It further provides that the Board shall be at liberty to terminate the engagement without assigning any reason and that the petitioners shall not have any claim or right of regularization in the Board and that they are purely engaged on need basis. The petitioners have accepted these terms and conditions of engagement with their open eyes and joined the service. Therefore, they have no right to claim extension in their service after the expiry of 60 days, unless their term is extended by the respondent Board.

10) It has been made clear in the conditions of engagement of the petitioners that their engagement is purely on need basis. The respondent Board has taken a stand that they

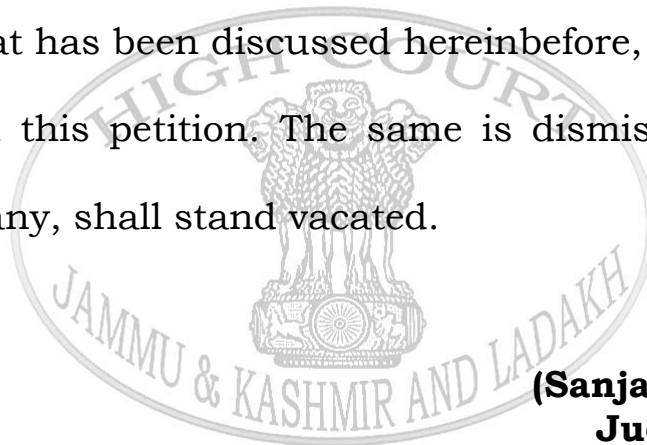
don't require services of the petitioners. A worker who has been engaged on a consolidated salary on need basis, has no right to continue in engagement once his services are not needed by the employer. Therefore, no mandamus can be issued against the respondents to continue the services of the petitioners beyond the period of 60 days.

11) The contention of the petitioners that they have been invidiously discriminated against by the respondent Board, inasmuch as similarly situated persons have been given extension in their engagement, is also without any substance. If we have a look at order dated 19.12.2023, on which reliance has been placed upon the petitioners, it provides that 61 consolidated workers working with the respondent Board in different sections and sub/branch offices have been granted extension in their services with effect from 18.07.2023. Their services have been extended on the basis of the recommendations made by the concerned officers, which shows that their services were needed by the respondent Board. It is only because of this, that their services were extended. Similarly, order dated 19.12.2023 provides that consolidated workers working as Drivers, Gardeners, Temporary Workers, Floor Cleaners, Sweepers-cum-chowkidars, have been accorded the benefit of extension of service on the recommendations of concerned officers,

meaning thereby that their services were needed by the respondent Board and for this reason, extension was granted in their services.

12) In the case of the petitioners, there is no recommendation from any officer of the respondent Board for extension of their services. From this it can be inferred that their services are no longer needed by the respondent Board. The petitioners, therefore, cannot claim parity with the workers whose services were extended because their continued service was needed by the respondent Board.

13) For what has been discussed hereinbefore, I do not find any merit in this petition. The same is dismissed. Interim direction, if any, shall stand vacated.



(Sanjay Dhar)
Judge

SRINAGAR

17.07.2026

"Bhat Altaf-Secretary"

Whether the **judgment** is reportable: **YES/NO**