HIGH COURT OF JAMMU &KASHMIR AND LADAKH AT SRINAGAR

Reserved on: 18.11.2026
Pronounced on: 27.11.2026

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

WP(C) No.2588/2026

AL RAFIQ EDU. TECH. PVT. LTD. & ORS.

...PETITIONER(S)

Through: - Mr. Mohammad Ibrahim Mehraj, Advocate.

Vs.

UT OF J&K & OTHERSS **...RESPONDENT(S)**

Through: - MS. Monika Kohli, Sr. AAG, with
Ms. Sagira, Advocate.

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

JUDGMENT

1) The petitioners, who claim to be Project Implementing Agencies (PIAs) engaged in the field of skill development, training and placement, have filed the present writ petition challenging minutes of meeting and recommendation dated 24.08.2026, whereby their applications have been rejected and allocation of targets in their favour has been deferred. A further direction commanding the respondents to allocate the targets to the petitioners as per their eligibility and as per the SOP of the Himayat Mission and guidelines of Phase II, has also been sought.

2) According to the petitioners, they are Project Implementing Agencies (PIAs) engaged in the field of skill development, training and placement and that they possess the requisite infrastructure, trained manpower and operational capacity for implementation of skill development programs within Union Territory of Jammu and Kashmir. It has been submitted that the respondents issued Expression of Interest (EOI) dated 16.05.2025, by virtue of which proposals were invited for implementation of Deen Dayal Upadhyaya Grameen Kaushalya Yojana (Himayat) in the Union Territory of J&K. The said EOI was followed by a corrigendum dated 09.07.2025 and an extension notice dated 16.07.2025.

3) The petitioners participated in the aforesaid process and submitted their proposals in accordance with requirements prescribed by the respondents. They also deposited appraisal fees amounting to Rs.1,47,500 and paid an amount of Rs.29,500 as application fees to the respondents. The petitioners thereafter participated in the process of appraisal and they were declared qualified, whereafter they were directed to await allocation of training targets.

4) By virtue of 5th meeting of the Apex Committee for Himayat, 2248 candidates were allocated to the Project

Implementing Agencies (PIAs) to the exclusion of the petitioners, who were asked to wait till allocation of more targets. However, the respondents issued another Expression of Interest dated 16.05.2026 inviting project proposals from eligible PIAs for implementation of Himayat (DDU-GKY 2.0) for the financial years 2026-2028. The EOI contemplated consideration of eligible PIAs in accordance with applicable Himayat/DDU-GKY 2.0 guidelines and Standard Operating Procedure. Since the petitioners had already been declared as eligible in pursuance of the first pack, as such, scrutiny of their proposals along with fresh bidders of second EOI was made by the respondents and the assessment was placed before the Apex Committee, but this time again the applications of the petitioners were rejected.

5) According to the petitioners, they have established operational presence and they possess the requisite infrastructure, trained manpower, local understanding, mobilization network and other resources necessary for implementation of skill development programs in the Union Territory of J&K and that they have always remained ready and willing to undertake the program. The petitioners made a representation dated 31.08.2026 with the respondents specifically bringing to their notice that they fulfill all the prescribed requirements and requested that appropriate

training targets be allocated in their favour in accordance with the applicable framework.

6) It has been submitted that the petitioners have now come to know that training targets/projects have been allocated to various Project Implementing Agencies (PIAs) falling in A and B categories only, whereas the petitioners fall in category 'C'. The petitioners sought clarification from the respondents vide their legal notice dated 31.08.2026 and subsequent communication dated 01.09.2026 as also the details of the basis and criteria adopted for allocation of targets, but the respondents have not responded to the same. It has been contended that the petitioners have right to be considered for allocation of targets in accordance with the framework of the scheme, but their applications have been rejected for an undisclosed criteria.

7) The petitioners have challenged their exclusion from allocation of training targets on the grounds that the same is arbitrary and unexplained. It has been contended that the respondents have not disclosed the criteria or basis on which the petitioners have been excluded. It has been contended that once the petitioners had qualified upon being assessed and appraised, they were entitled to a fair and meaningful consideration of their candidature in accordance with the

criteria governing the process. It has been submitted that merely because the petitioners fall in 'C' category, the respondents could not have excluded them from consideration.

8) The respondents have contested the writ petition by filing their reply to the same. In their reply, the respondents have submitted that appraisal, evaluation, prioritization and sanction of project proposals under Himayat (DDU-GKY 2.0) are governed by the applicable guidelines, Standard Operating Procedures and notifications issued by Ministry of Rural Development from time to time. It has been submitted that while inviting project proposals vide EOI dated 16.05.2025, it was made expressly clear to the applicants to formulate and submit their proposals in strict compliance with applicable SOPs and guidelines. In this regard, Clause (5) of the EOI is being relied upon by the respondents.

9) It has been submitted that in the subsequent EOI dated 16.05.2026, compliance with the applicable guidelines and SOPs was reiterated. It is being contended that the petitioners also acknowledged the applicability of guidelines and SOPs and, therefore, they were fully aware that consideration and sanction of project proposals are governed by the prescribed framework. It has been submitted that the petitioners

submitted their project proposals under category 'C' (priority 'C'). According to the respondents, the categorization of PIAs and corresponding project size and funding provisions prescribed under Table 8, Section 7.2 of the guidelines read with Standard Instruction 1.9 of the SOPs provide that priority 'A' has to be assigned to captive employer, priority 'B' has to be assigned to existing skilling agencies having experience of greater than 50% placement outcome achievement, and priority 'C' is to be given to skilling agencies that do not have any DDU-GKY experience, whereas priority 'D' is to be given to startups for skilling recognized by Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Government of India. It has been submitted that Section 7.1 of DDU-GKY Guidelines 2.0 classifies all PIAs into four categories A, B, C and D, based on their past experience and ability to deliver quality placements. It has been submitted that further prioritization is carried out within these categories. Thus, a PIA in category 'A' is prioritized over those in category 'B', category 'B' PIA is prioritized over category 'C' and so on, with category 'D' being the least prioritized.

10) It has been submitted that the respondents have acted in accordance with the aforesaid prescribed framework. It has further been contented that the available project targets were

sanctioned to 52 category 'B' PIAs and no targets remained available for allocation to category 'C' PIAs. It has been submitted that because the petitioners fall in category 'C' PIAs, as such, they cannot claim an automatic or preferential right to sanction merely on the basis of submission of their proposals.

11) The respondents have further contended that the petitioners have no vested or enforceable right to claim sanction of their project proposals, as mere submission of a proposal does not confer any right to sanction. It has been submitted that every project is required to be considered in accordance with the applicable SOPs, guidelines, prescribed eligibility conditions, category wise prioritization and availability of approved targets. It has further been contended that there is no illegality in the action of the respondents warranting interference from this Court. It has further been submitted that interference with the execution of approved projects at this stage would jeopardize the timely commencement and completion of training and disrupt the achievement of allocated targets. The respondents have further contended that the petitioners have not impleaded the affected PIAs as parties to the present writ petition and, therefore, the writ petition suffers from non-joinder of necessary parties. According to the respondents, any order

that may be passed by this Court is going to affect the rights of PIAs in whose favour projects have been approved, as such, they are necessary parties to the present writ petition.

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

13) The dispute raised by the petitioners in the present writ petition lies in a narrow compass. The petitioners, admittedly, fall in category 'C' of PIAs. It is also not in dispute that allocation of project targets is governed by the terms and conditions laid down in applicable guidelines, SOPs and notifications issued by the Ministry of Rural Development Department from time to time. This is clearly spelled out in Expression of Interest dated 16.05.2025 and 16.05.2026. Standard Instruction No.1.9 categorizes the PIAs in four categories. The relevant table is reproduced as under:

No.	Category of PIA	Eligibility Criteria	Project six & period
1	Priority A	Captive Employer	-Maximum Project Target 5000 or 40% of Human Resource of Captive Employer registered with ESIC or PF, whichever is lower -Project period of three years -Batch-wise funding
2	Priority B	Existing Agencies Skilling having experience of greater than 50% placement outcome achievement.	Maximum Project Target of 10,000 should not exceed at any given point of time. Individual Project Size capped at 1200 target, with

			the condition of continuous top up sanction based on outcome achievement or based on capacity created by performing DDU-GKY PIAs in the State -Project period of three years -Batch-wise funding
3	Priority C	Skilling Agencies that do not have any DDU-GKY experience	-Maximum Project Target 3,000 should not exceed at any given point of time. -Individual Project Size capped at 1200 target, with the condition of continuous top up sanction based on outcome achievement. -Project period of three years - Batch wise funding.
4	Priority D	Start-ups for skilling recognized by Dept of Industrial Policy & Promotion, Ministry of Commerce & Industry. GoI	-Maximum Project Size capped at 1200 target, with the condition of continuous top up sanction based on outcome achievement. -Project period of three years - Batch wise funding

14) Methodology for ascertaining ranking of project proposals by PIAs is mentioned in Standard Instruction No.1.14, which reads as under:

> *"Standard Instruction 1.14 Methodology for ascertaining ranking of project proposals by PIAs.*
>
> *Priority of PIAs: Section 7.1 of the DDU-GKY Guidelines 2.0 classifies all PIAs into four categories-A, B, C, and D-based on their past experience and ability to deliver quality placements. Further prioritization is carried out within these categories (A, B, C, and D) based on the DDU-GKY project proposal submitted. As a result, a PIA in Category A is prioritized over those in Category B, a Category B PIA is prioritized over those in Category C, and so on, with Category D being the least prioritized."*

15) From a perusal of the aforesaid instructions, it is clear that PIAs are categorized into four groups. Priority 'A' is to be

given to the captive employer, priority 'B' is to be given to category 'B' PIAs, priority 'C' is to be given to category 'C' PIAs and priority 'D' is to be given to category 'D' PIAs. It is also clear that maximum project targets, 5,000 or 40% of human resource of captive employer registered with ESIC or PF, is to be given to captive employer which falls in the category of priority 'A'. For priority 'B', maximum project target of 10,000 has to be given at any given point of time.

16) In the present case, as per the petitioners' own version, in the year 2025, 2248 candidates were allocated and in the year 2026, the number of candidates, who were allocated training targets, was 24,228. As per Table 8 quoted above, in category 'B', individual project size is capped at 1200 and 52 PIAs under category 'B' had qualified. A perusal of the impugned minutes of the meeting would reveal that the respondents have capped the individual project size maximum at 510, amongst 52 qualified PIAs, as a result of which all the 24,228 candidates stand allocated to PIAs falling in category 'B', leaving behind no further candidate who could be allocated to a PIA under category 'C'.

17) As already stated, that, as per the guidelines, priority has been fixed and it is only in case a PIA under categories 'A' and 'B' is not available that project targets can be allocated to

a PIA falling under category 'C'. These guidelines and instructions were well within the knowledge of the petitioners and they took the risk and applied pursuant to the EOI. They cannot now turn around and resile from the rigours of the terms and conditions of EOI. The respondents have accorded consideration and allocated the project targets strictly in accordance with the SOPs on both occasions, i.e. in the meeting held on 27.11.2025, when 2195 targets were allocated to 13 category 'B' PIAs, and on 24.08.2026, when 24,228 targets were allocated to 52 category 'B' PIAs.

18) The petitioners, having participated in the process governed by the guidelines and SOPs forming part of the scheme, cannot selectively accept the framework for establishing their eligibility and reject the same in so far as it governs the prioritization and allocation of project targets. The Supreme Court in the case of **Union of India and & Ors**. v. **N. Murugesan Etc.** (2022) 2 SCC 25 has clearly held that a person cannot be allowed to have the benefit of an instrument while questioning the same. It has been held that a party either has to affirm or disaffirm a transaction and the principle has to be applied with more vigor as a common law principle if such a party actually enjoys the one part fully on near completion of the said enjoyment, thereafter questions the other part. Similar view has been taken by the Supreme

Court in the cases of **Rajasthan State Industrial Development and Investment Corporation & Anr**. v. **Diamond and Gem Development Corporation Ltd. & Anr.** (2013) 5 SCC 470, and **M/S Cauvery Coffee Traders, Mangalore** v**. M/S Hornor Resources (Intern.) Co. Ltd.**, (**2011) 10 SCC 420**

19) As already stated, in the instant case the petitioners have not been able to show any procedural irregularity or non-adherence to the SOPs by the respondents while allocating the project targets. Therefore, it is not open to this Court to undertake a judicial review of the impugned action of the respondents, particularly when the entities, to whom the projects have been allocated, have not even been made parties to the present writ petition.

20) For the foregoing reasons, I do not find any merit in this writ petition. The same is dismissed accordingly along with connected CM(s).

(Sanjay Dhar)
Judge

SRINAGAR
27.11.2026
"Bhat Altaf-Secretary"

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