

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

**WP(C) 309/2020 C/W**  
**OWP 1213/2018**

*Reserved on : 27.11. 2025*

*Pronounced on :10.12. 2025*

*Uploaded on: 11.12.2025*

**WP(C) 309/2020**

Residents of Village Siligam, Adhard,  
Dangerpora, Fohar, Tantraypora, Batpora, Akad, Palpora,  
Rakhchandipora, Salia Panzhalpora, Seer Hamdan, through:

1. Ghulam Rasool Bhat, Aged 55 Years  
S/o Ali Mohammad Bhat  
R/o Siligam, Tehsil Pahalgam, District Anantnag
2. Gulzar Ahmad Ahangar, Aged 46 Years  
S/o Ghulam Qadir Ahangar  
R/o Siligam, Tehsil Pahalgam, District Anantnag
3. Ghulam Rasool Tantray, Aged 54 Years  
S/o Mohammad Ibrahim Tantray  
R/o Adhard, Tehsil Pahalgam, District Anantnag
4. Ghulam Hassan Bhat, Aged 52 Years  
S/o Abdul Gani Bhat  
R/o Dangerpora, Tehsil Pahalgam, District Anantnag
5. Manzoor Ahmad Lone, Aged 40 Years  
S/o Ghulam Mohi-ud-din Lone  
R/o Dangerpora, Tehsil Pahalgam, District Anantnag
6. Ghulam Qadir Lone, Aged 58 Years  
S/o Ghulam Ahmad Lone  
R/o Dangerpora, Tehsil Pahalgam, District Anantnag
7. Ghulam Ahmad Dar, Aged 60 Years  
S/o Ghulam Mohammad Dar  
R/o Fohar, Tehsil Mattan, District Anantnag
8. Ali Mohammad Magray, Aged 45 Years  
S/o Abdul Wahab Magray  
R/o Tantraypora, Tehsil Pahalgam, District Anantnag

9. Ghulam Nabi Wani, Aged 55 Years  
S/o Abdul Wahab Wani  
R/o Batpora, Tehsil Pahalgam, District Anantnag
  10. Mukhtar Ahmad Bhat, Aged 42 Years  
S/o Sonaullah Bhat  
R/o Akad, Tehsil Pahalgam, District Anantnag
  11. Mohammad Yousuf Wani, Aged 60 Years  
S/o Abdul Aziz Wani  
R/o Palpora, Tehsil Mattan, District Anantnag
  12. Ghulam Hassan Shairgojri, Aged 59 Years  
S/o Abdul Gaffar Shairgojri  
R/o Rakchandipora, Tehsil Pahalgam, District Anantnag
  13. Mushtaq Ahmad Pandith, Aged 38 Years  
S/o Abdul Rehman Pandith  
R/o Salia Panzhalpora, Tehsil Pahalgam, District Anantnag
  14. Bilal Ahmad Tantray, Aged 41 Years  
S/o Mohammad Sultan Tantray  
R/o Seer Hamdan, Tehsil Pahalgam, District Anantnag
- ...Petitioners

***Through: Mr. G.A Lone, Advocate with  
Mr. Mujeeb Andrabi, Advocate***

VERSUS

1. Union Territory of Jammu & Kashmir through  
Commissioner/Secretary to Government, Higher Education  
Department, Civil Secretariat, Srinagar/Jammu
2. Commissioner/Secretary to Government, General Administration  
Department, Civil Secretariat, Srinagar/Jammu.
3. Director Colleges Higher Education Department, Srinagar
4. Deputy Commissioner, Anantnag
5. Chief Engineer PW (R&B) Kashmir – Srinagar
6. Executive Engineer, PW (R&B), Division Khanabal, Anantnag

7. Sub Divisional Magistrate, Pahalgam
8. Tehsildar, Pahalgam, Anantnag
9. Principal Degree College Utersoo, District Anantnag.
10. Chief Education Officer, Anantnag.
11. Head Master Boys High School, Aishmuqam, Anantnag
12. United Auqaf Aishmuqam, Pahalgam Constituency through Dr. Abdul Rehman Khadim, S/o Ghulam Mohammad Khadim R/o Ziyarat Sharief, Aishmuqam, District Anantnag.
13. President Youth Forum, Aishmuqam Minhajul Islam Rawloo S/o Mohamamd Yousuf Rawloo R/o Aishmuqam, District Anantnag

...Respondent(s)

Through: Mr. Ilyas Laway, GA.

**OWP 1213/2018**

United Auqaf Committees Aishmuqam Pahalgam Constituency through

1. Ghulam Hassan Peer, Aged 64 Years  
S/o Peer Ghulam Rasool  
R/o Aishmuqam  
President Markazi Masjid Jamia, Aishmuqam
2. Dr. Abdul Rehman Khadim, Aged 50 Years  
S/o Ghulam Mohammad Khadim  
R/o Aishmuqam  
President Ziarat Sharief Aishmuqam
3. Abdul Rehman Beig, Aged 65 Years  
S/o Ghulam Mohammad Beig  
R/o Aishmuqam Representative, Auqaf Shahi Masjid, Aishmuqam
4. Ghulam Mohammad Khaki, Aged 65 Years  
S/o Mohammad Maqbool Khaki  
R/o Irm Colony, Ainoo Aishmuqam Representative Auqaf Committee  
Masjid Irm, Aishmuqam
5. Haji Ghulam Mohammad Dar, Aged 63 Years  
S/o Sonaullah Dar

R/o Latroo, Aishmuqam President Auqaf Committee Masjid Irfan Latroo, Aishmuqam

6. Haji Ghulam Nabi Sheikh, Aged 63 Years  
S/o Ghulam Ahmad Sheikh  
R/o Irm Colony, AinooAishmuqam Representative Masjid Sharief Ziarat Aishmuqam
7. Molvi Bashir Ahmad Baba, Aged 63 Years  
S/o Mohammad Anwar Baba R/o Magray Mohalla Alshmuqam  
Representative Auqaf Masjid Shahenshah Aishmuqam
8. Ghulam Mohi-ud-din Bhat, Aged 64 Years  
S/o Ghulam Mohammad Bhat  
R/o Badshah Colony, Alshmuqam  
Representative Augaf Committee Masjid Usman, Aishmuqam
9. Mohammad Abdullah Rather, Aged 50 Years  
S/o Ghulam Ahmad Rather  
R/o Tilhard, Aishmuqam  
President Village Committee Tilhard, Aishmuqam
10. Minhjul-Islam Rawloo, Aged 31 Years  
S/o Mohammad Yousuf Rawloo  
R/o Bazar Mohalla, Aishmuqam  
President Youth Forum, Aishmuqam
11. Arfat Rashid, Aged 40 Years  
S/o Abdul Rashid Sofi  
R/o Bazar Mohalla, Alshmuqam  
Chairman, Be the Change NGO, Aishmugam Anantnag
12. Yasir Gul, Aged 29 Years  
S/o Ghulam Nabi Bhat  
R/o Aishmuqam  
President Students Association, Aishmuqam
13. Sabzar Ahmad Bhat  
S/o Bashir Ahmad Bhat  
R/o Arafeen Colony, Aishmuqam Secretary Auqaf Committee, Masjid ArafeenAishmuqam
14. Mohammad Ibrahim Bhat, Aged 30 Years  
S/o Ali Mohammad Bhat  
R/o Wajura, Pahalgam  
Village Representative, Wajura Pahalgam

15. Farooq Ahmad Zargar, Aged 62 Years  
S/o Mohammad Yousuf Zargar  
R/o Latroo, Aishmuqam  
Representative Auqaf Committee  
Masjid Sharief PayeenAishmuqam
16. Mushtaq Ahmad Lone, Aged 45 Years  
S/o Naseeb Lone  
R/o Hapatnar, Pahalgam  
Representative of Village Hapatnar, Pahalgam
17. Mohammad Shafi Rather, Aged 63 years  
S/o Ghulam Mohammad Rather  
R/o Bonapora, Dyaroo, Pahalgam  
Social Worker Dyaroo, Pahalgam
18. Irshad Ahmad Ganal, Aged 32 Years  
S/o Nisar Ahmad Ganal  
R/o Grend, Aishmuqam  
Representative of Village GrendAishmuqam
19. Ghulam Nabi Wani, Aged 66 Years  
S/o Mohammad Munawar Wani  
R/o Peer Mohalla, Aishmuqam  
Vice President Masjid Sharief Peer Mohalla, Aishmuqam
20. Inhabitants of JalbulAishmuqam, Anantnag through  
Sabzar Ahmad Bhat, Aged 26 Years  
S/o Mohammad Sultan Bhat  
R/o Jaibul, Aishmuqam Anantnag
21. Inhabitants of GanishporaAishmuqam, Anantnag through  
Shakeel Ahmad Bhat, Aged 28 Years  
S/o Abdul Salam Bhat  
R/o GanishporaAishmuqam, Anantnag
22. Inhabitants of LagriporaAishmuqam Anantnag through  
Ravinder Pandita, Aged 40 years  
S/o B.N Pandita  
R/o LagriporaAishmuqam, Anantnag
23. Inhabitants of AinooBraiAishmuqam Anantnag through Javid Ahmad  
Tantray, Aged 24 years  
S/o Ghulam Rasool  
R/o AinooBraiAishmuqam, Anantnag
24. Inhabitants of BraiAishmuqam Anantnag through Farooq Ahmad Tantray,  
Aged 24 Years  
S/o Mohammad Shaban  
R/o AinooBraiAishmuqam, Anantnag



25. Inhabitants of Batkote Pahalgam through Mohammad Arif Wani, Aged 30 years, S/o Ghulam Hassan Wani  
R/o Batkote, Pahalgam
26. Inhabitants of Shumhaal, Aishmuqam through  
(i) Abdul Rashid Mir, Aged 50 Years  
S/o Abdul Ahad Mir  
R/o Shumhaal, Aishmuqam  
(ii) Abdul Rashid Khan, Aged 55 Yers  
S/o Fauj-ud-din Khan  
R/o Shumhaal, Aishmuqam
27. Inhabitants of Yanad Sallar, Anantnag through  
(1) Mohammad Abbas Paddar, Aged 42 Years  
S/o Abdul Salam Paddar  
R/o Charigam Yanad, Anantnag  
(ii) Nazir Ahmad Malik, Aged 44 Years  
S/o Abdul Gani Malik  
R/o CharigamPehlipora, Anantnag
28. Inhabitants of GrendwanAishmuqarn, Pahalgam through Showkat Ahmad Bhat, Aged 25 Years  
S/o Manzoor Ahmad Bhat  
R/o Grendwan Pahalgam
29. Inhabitants of SirchanBatkote Pahalgam, through Tanveer Ahmad Khan, Aged 26 Years  
S/o Hamidullah Khan  
R/o Sirchan Batkote, Pahalgam
30. Inhabitants of Badwan GanishporaAishmuqam through Shakeel Ahmad Bhat, Aged 28 years.  
S/o Abdul Salam Bhat  
R/o GanishporaAishmuqam, Anantnag
31. Inhabitants of Pahalgam through  
  
(i) Mohamamd Ayaz Mir, Aged 30 Years  
S/o Mohammad Jabar MirR/o Pahalgam  
(ii) Farooq Ahmad Wagay, Aged 45 Years  
S/o Abdul RazakR/o Pahalgam
32. Inhabitants of DadrenKhandey-poraAishmuqam Pahalgam through Mohamamd Shafi Malik, Aged 33 Years S/o Ghulam Qadir R/o DadrenKhanday-pora, Pahalgam

...Petitioners

**Through:** *Mr. Altaf Naik , Senior Advocate with  
Ms. Beenish Habib, Advocate  
Ms. Seerat Ishfaq, Advocate.*

Versus

1. State of Jammu & Kashmir through Principal Secretary to Government, Higher Education Department, Civil Secretariat, Srinagar/Jammu
2. Principal Secretary to Government Planning Development & Monitoring Department, Civil Secretariat, Srinagar/Jammu
3. Commissioner/Secretary to Government General Administration Department Civil Secretariat, Srinagar/Jammu
4. Commissioner/Secretary to Government Revenue Department, Civil Secretariat, Srinagar/Jammu
5. Divisional Commissioner, Kashmir
6. Director Colleges Higher Education Department, Kashmir-Srinagar
7. Deputy Commissioner, Anantnag
8. Incharge Government Middle School Akad, Anantnag
9. Mohammad Abdullah Dar  
S/o Abdul Khaliq  
R/o Adlashmagam  
Chairman, Auqaf Committee AdiashMagam
10. Ghulam Ahmad Dar  
S/o Ghulam Mohammad Dar  
R/o FoharChairman, Village Welfare Council, Fohar Islamabad
11. Ghulam Hassan Wani  
S/o Khawaja Abdul Majeed WaniR/o Fohar
12. Ghulam Hassan Bhat  
S/o Abdul Gani BhatR/o DangerporaSiligam
13. Ali Mohammad Magray  
S/o Abdul WahabR/o TantrayporaSiligam
14. Diljeet Singh  
S/o Teerath SinghR/o Nowgam  
President, Gurduwara Singh Sabha Nowgam
15. Ghulam Mohammad Bhat  
S/o Habibullah BhatR/o Akad  
President, Auqaf Islamia Jamia Masjid, Her Mohalla Akad

**..Official Respondents**

16. Mukhtar Ahmad Bhat  
S/o SonaullahR/o Akad  
President, Auqaf Islamia Masjid Jamia Mal-Akad
17. Abdul Salam Raina  
S/o Lassi RainaR/o Malahad
18. Ghulam Mohammad Bhat  
S/o Abdul GaniR/o Malahad  
Imam Jamia Malahad
19. Riyaz Ahmad Ganai  
S/o Ghulam Ahmad GanaiR/o Seer Hamdan  
President, Masjid Shareef Harin Mohalla Seer Hamdan
20. Arshid Hussain Ganai  
S/o Ghulam Mohammad Ganai R/o Seer Hamdan  
Gen. Secretary, All Traders & Manufacturers AssociationSeer Hamdan
21. Manzoor Ahmad Salroo  
S/o Ghulam NabiR/o Shumhail
22. Mohammad Yousuf Bhat  
S/o Mohammad AhsanR/o Salia  
Chowkidar, Vailnabgal Brar Ganiegund, Manigam
23. Mohammad Ramizan Wani  
S/o Mohammad AbdullahR/o Bathoot  
Saderi Jamia Masjid, Ahle-Hadees, Batakote
24. Ch. Mohammad Yousuf Gogri  
S/o Ghulam Hassan R/o LidrooGojar Bakerwal Leader
25. Farooq Ahmad Dar  
S/o Abdul Rahman DarR/o Jammu
26. Abdul Gani Bhat  
S/o Abdul KabeerR/o Cheehi, Jammu
27. Bilal Ahmad Tantray  
S/o Mohammad SultanR/o Seer Hamdan  
President, Shahi Hamdan Youth Club Seer Hamdan
28. Mushtaq Ahmad Shah  
S/o Ghulam MohammadR/o Pethnambal



29. Mohammad Ramzan Ganai  
S/o Mohammad AnwarR/o Pethnambal
30. Mushtaq Ahmad Mir  
S/o Ghulam Ahmad MirR/o Dehwattoo
31. Bashir Ahmad Wani  
S/o Ghulam RasoolR/o Pathoot
32. Mohammad Yousuf Teell  
S/o Ghulam Nabi TeellR/o Manigam  
President, Auqaf Committee Teli Mohalla, Manigam
33. Abdul Majeed Mir  
S/o Habibullah MirR/o Vailnagbal  
President, Markazi Auqaf Committee Parypora, Vailnagbal
34. Mohammad Ashraf Khan  
S/o Mohammad Yousuf KhanR/o Brad  
President, Masjid Usman, Khan &Magray Mohalla, Brad
35. Haji Bashir Ahmad Malik  
S/o Mohammad DilawarR/o Khayar
36. Haji Ghulam Nabi Lone  
S/o Khawaja Ambir LoneR/o Hengalpawa  
President, Jamia Masjid, Hangalpawa
37. Ali Mohammad Sheikh  
S/o HabibullahR/o Hapatnar  
Chairman, Auqaf Committee Markazi Jamia Masjid Hapatnar
38. Bashir Ahmad Bhat  
S/o Haji Ghulam Mohammad R/o Hassanoor
39. Mohammad Yousuf Doe  
S/o MukhanDoeR/o Khayar  
Sader Auqaf, Masjid Shareef Harden Khayar
40. Farooq Ahmad Ganai  
S/o Ghulam QadirR/o Ganishpora
41. Hilal Ahmad Shah  
S/o Mohammad HafizR/o Kullar
42. Gul Mohammad Reshi  
S/o Khazir MohammadR/o Veerseran

43. Mohammad Akbar Mir  
S/o Ali MohammadR/o Dehwattoo  
Sadar-i-Auqar, Dahwattoo, Pahalgam
44. Ghulam Nabi Lone  
S/o Abdul Aziz LoneR/o Lehindasjan  
Chairman, Auqaf Committee Lehindasjan, Sallar
45. Mohammad Ahsan Shah  
S/o Jallal-ud-dinR/o Kullar
46. Sonaullah Bhat  
S/o Abdul AhadR/o Wullarhama
47. Haji Bashir Ahmad Vaid  
S/o Ghulam MohammadR/o Hardukaithal
48. Gowhar Hussain Mir  
S/o Mohammad ShabanR/o Saller
49. Ghulam Mohi-ud-din Najar  
S/o Ghulam MohammadR/o Kathsoo
50. Saif-ud-din Ganai  
S/o Gull MohammadR/o ChittersooBudroo  
Numberdar, chittersooBudroo
51. Abdul Salam BhatS/o Ali Mohammad  
R/o SrigufwaraLoiseer  
Chairman, Halqa Srigufwara
52. Bashir Ahmad Rather  
S/o Abdul MajeedR/o LoiseerSrigufwara  
Chairman, Auqaf Islamia Masjid Shareef, Loiseer
53. Shabir Ahmad Bhat  
S/o Abdul AzizR/o Dirhama
54. Habibullah Paddar  
S/o Mohammad AbdullahR/o Pethnambal  
President, General Auqaf Committee, Pethnambal
55. Nisar Ahmad Dar  
S/o Mohammad ShabanR/o Siligam  
President, Auqaf Islamia Hanfia, Siligam Pahalgam
56. Sh. Mohan Singh  
S/o Late Oudhan SinghR/o Srengsoo  
President Gurduwara Singh Sabha Committee, Surangsu Pahalgam

57. Abdul Rashid Bhat  
S/o Ghulam Rasool BhatR/o Karshangam  
President, Hanfia Jamia Masjid, Karshangam
58. Abdul Rashid Khadim  
S/o Abdul RahmanR/o Amad  
President, Auqaf Committee Amad, Aishmuqam, Anantnag
59. Shri Dara Singh  
S/o Sardar Faqeer SinghR/o Singpora  
Secretary, GPC Singpora, Pahalyam, Anantnag
60. Abdul Razak Tantary  
S/o Abdul Rehman  
R/o Tantraypora  
President, Auqaf Committee, Tantraypora

**...Respondents**

***Through : Mr. Ilyas Laway, GA.  
Mr. G.A.Lone, Advocate with  
Mr. Mujeeb Andrabi, Advocate***

**CORAM:**

**HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.**

**JUDGEMENT**

**Brief facts:**

1. The instant judgment concerns two writ petitions, each seeking the establishment of a proposed Government Degree College at the respective native places of petitioners, namely Aishmuqam and Siligam. To this end, the residents of Aishmuqam filed a writ petition in 2018 challenging Government Order No. 300-HE of 2018 dated 24.04.2018, whereby sanction was accorded for the establishment of a Government Degree College at Siligam. Subsequently, in 2020, the residents of Siligam instituted another writ petition, wherein, the Petitioners have called in question

Communication No. **GDC/UT/2019/332-334 dated 21.11.2019** issued by the Principal, Government Degree College, Uttersoo, requesting the Chief Education Officer, Anantnag, to provide accommodation for establishing a Government Degree College at Aishmuqam. This communication forms the foundation of the consequential directive issued by the Deputy Commissioner, Anantnag, vide Communication No. DCA/SQ/19/2955-57 dated 26.11.2019, whereby the Sub-Divisional Magistrate, Pahalgam, has been mandated to identify suitable accommodation at Aishmuqam for the establishment of the said College.

**OWP No. 1213/2018**

2. Roots of the instant controversy lie in the year 2012, when the then Government initiated a process for the establishment of a Government Degree College at Aishmuqam. For this purpose, a committee was constituted pursuant to **Government Order No. 328-HE of 2012 dated 13.08.2012**, tasked with examining the feasibility of establishing a new Degree College within the identified geographical areas. The said committee was headed by the Chairman, Director Colleges, Higher Education Department, and comprised ten (10) Principals of various Government Degree Colleges as its members. Upon completion of its mandate and after due consideration of relevant parameters, the committee submitted its report recommending the establishment of a Degree College in

the Pahalgam area, and proposed Aishmuqam as the location for the said institution.

3. After passage of much time, a representation was filed by the residents of different villages including that of the residents of Village Siligam, Adhard, Dangerpora, Fohar, Tantraypora, Batpora, AkadPalpora, Rakhchandipora, SaliaPanzhalpora and Seer Hamdan and other nearby villagers for establishment of a degree college at Village Siligam. The representation was considered and the competent authority sanctioned Degree College, Siligam, vide Government Order No. 300-HE of 2018 dated 24.04.2018.
4. Following the Government Order No. 300-HE of 2018 dated 24.04.2018, present writ petition was instituted in a representative capacity by villagers of Ashimuqam, seeking protection, preservation and enforcement of legal, fundamental and statutory entitlements of the inhabitants of town Aishmuqam and its adjoining cluster of approximately seventy villages. The challenge centered around Government Order No. 300-HE of 2018 dated 24.04.2018, whereby sanction stands accorded for establishment of a Government Degree College at Village Siligam in Pahalgam Constituency, to the exclusion and detriment of Aishmuqam and the aforesaid adjacent villages.

**WP(C) 309/2020**

5. The Petitioners in the present writ petition call in question, inter alia, communication bearing No. GDC/UT/2019/332-334 dated



21.11.2019, issued by Respondent No. 9, whereby a request came to be made to Respondent No. 10 for providing accommodation for establishment of a Government Degree College at Aishmuqam. The said communication has been relied upon by Respondent No. 4, who, in turn, vide communication bearing No. DCA/SQ/19/2955-57 dated 26.11.2019, directed Respondent No. 7 to identify suitable accommodation at Aishmuqam for establishing the said College.

6. It is specific case of the petitioner that the process so initiated by the Respondents is in derogation of Government Order No. 300-HE of 2018 dated 24.04.2018, whereby sanction came to be accorded for establishment of a Government Degree College at Siligam, and is further inconsistent with Government Order No. 48-HE of 2019 dated 05.02.2019, wherein the location stands reflected as Pahalgam – Siligam/Aishmuqam.
7. It is averred that a representation was initially submitted by residents of Siligam and the adjoining villages namely Adhard, Dangerpora, Fohar, Tantraypora, Batpora, Akad, Palpora, Rakhchandipora, Salia-Panzhalpora and Seer-Hamdan, projecting viability, centrality and the catchment advantage of Siligam. Upon consideration of the said representation, the competent authority sanctioned establishment of a Degree College at Siligam vide Government Order No. 300-HE of 2018 dated 24.04.2018, noting that Siligam, being centrally located in Pahalgam constituency, has six Higher Secondary Schools feeding its catchment area. It is

further stated that more than 100 kanals of land stood volunteered by the local residents for establishment of the College.

8. The aforesaid Government Order dated 24.04.2018 was called into question before this Court in OWP No. 1213/2018 by United Auqaf Committees Aishmuqam and other petitioners. This Court, vide order dated 07.07.2018, stayed implementation of the said Government Order. The petitioners herein thereafter sought their impleadment, which was allowed on 08.08.2018.
9. During pendency of the said matter, Government Order No. 48-HE of 2019 dated 05.02.2019 came to be issued, showing the location as Pahalgam – Siligam/Aishmuqam. According to the Petitioners, notwithstanding the said issuance, the authorities themselves emphasized that the College was to be established at Siligam only and that the later Government Order was merely in continuation of the 2018 sanction.
10. It is further averred that subsequently a display board was installed at Government Boys High School, Aishmuqam, indicating commencement of functioning of Government Degree College, Aishmuqam. They, therefore, approached this Court by way of WP (C) No. 238/2020, accompanied by an application for leave to file the writ petition in a representative capacity.
11. However, the learned counsel for the petitioners submits that he was not aware about the passing of order dated 21.11.2019 which

came to his notice through caveators and therefore they sought withdrawal of the writ petition with liberty to challenge the communication dated 26.11.2019. This Court, vide order dated 04.02.2020, permitted withdrawal with such liberty.

12. The Petitioners challenge the aforesaid communications being without jurisdiction, contrary to the earlier Government policy decisions, violative of principles of feasibility, catchment assessment and public interest, and contrary to the categorical stand of the Government before this Court. The Petitioners also seek a restraint upon Respondents 5 and 6 from executing any construction work in pursuance thereof.

#### **SUBMISSIONS ON BEHALF OF PETITIONERS:**

13. Mr. G. A. Lone, learned Advocate, for petitioners herein and respondents in writ petition OWP No. 1213/2018, at the very outset has questioned the locus standi of the petitioners in writ petition OWP No. 1213/2018 to maintain the present petition, contending that the same is not maintainable as the petitioners had no locus to file it. He has further drawn the attention of the Court to the report relied upon by the respondents in the present petition, which forms the basis of the instant petition and has been placed on record by the respondents along with their reply. A perusal of the said report reveals that it does not qualify as a report in the eyes of law, as only two out of the three members have signed it, and the Director

School Education, Kashmir, who was also a member of the committee, is not a signatory. Therefore, no credence can be attached to this report, and it cannot be relied upon. He has further invited the attention of the Court to the revenue documents relied upon by the respondents, a perusal of which indicates that the findings recorded by the committee regarding the availability of land are factually incorrect, as the land reflected therein pertains to some other location and not the land at Ashmuqam. Consequently, the committee's finding that land is available at Ashmuqam is factually incorrect and cannot be relied upon.

14. Learned counsel further submits that the communications relied upon by the respondents herein regarding objections raised by the security agency pertain to Attar and not Ashmuqam, and thus the reliance placed on these communications is misplaced. He further contends that a Government decision can be superseded only by the Government through a formal Government order, and not by any communication issued by the Nodal Principal or the Additional Deputy Commissioner, Anantnag, who have no authority in law to take a position contrary to the Government's decision. Learned counsel further submits that the decision taken by the Government, which is the subject matter of the instant petition, continues to remain in force as on date, as no subsequent Government order annulling or modifying the earlier decision has been issued.

15. Learned counsel has drawn the attention of the Court to a communication issued by the Nodal Principal, Aishmuqam, to the Chief Education Officer, Anantnag dated 21.11.2019, followed by another communication issued by the Additional Deputy Commissioner, Anantnag to the Sub-Divisional Magistrate, Pahalgam dated 26.11.2019. A perusal of these communications reveals that the Nodal Principal, Aishmuqam has intimated that a Government Degree College has already been sanctioned in the Pahalgam Constituency at Aishmuqam, and for the purpose of operationalising the said college, the Higher Education Department is in need of accommodation. In this backdrop, a request has been made for providing at least five rooms with all necessary facilities at Aishmuqam.
16. Learned counsel submits that it is not clear from the record how and under what circumstances the said communication has been issued, as the Nodal Principal, Aishmuqam has no authority in law to take a position contrary to the decision taken by the Government, which continues to remain operative and has also been reiterated subsequently. The Nodal Principal, Aishmuqam, therefore, had no authority to issue such a communication to shift the college from Siligam to Aishmuqam. In the absence of any valid Government order, the said communication, being without jurisdiction, cannot be sustained. It is for this reason, learned counsel submits, that this Court on the very first date of hearing stayed the said



communications by directing that the status quo with regard to the position of the Degree College as it exists on that day, shall be maintained.

17. In addition, learned counsel submits that the communication issued by the Additional Deputy Commissioner, Anantnag to the Sub-Divisional Magistrate, Pahalgam requesting identification of suitable accommodation at Aishmuqam for establishment of the Government Degree College is also without authority and runs contrary to the mandate and spirit of the earlier Government order which continues to remain in force as on date.
18. Learned counsel has further drawn the attention of the Court to Government Order No. 48-HF of 2019 dated 05.02.2019 issued by the Higher Education Department, Government of Jammu and Kashmir, a perusal whereof, reveals that the Government accorded sanction for the establishment of new Government Degree Colleges in Jammu & Kashmir during the years 2019-2020 and 2020-2021 in district Anantnag and other districts. In this Government order, the location of the college in district Anantnag has been reflected as Pahalgam-Siligam/Aishmuqam.
19. Learned counsel has laid emphasis on the location reflected in the Government order, wherein preference has been given to Siligam as the primary location, followed by Aishmuqam. Thus, according to learned counsel, the Government has not, till date, taken any

decision shifting the college from Siligam to Aishmuqam. He further submits that the said Government order was issued after due consideration of the report submitted by the committee constituted for this purpose, which was prepared prior to issuance of the said order.

20. Learned counsel, relying on the aforesaid Government order, submits that it leads to the irresistible conclusion that the decision taken by the Government stands reiterated by the Government itself, and that no subsequent decision has been taken to alter the earlier decision regarding the location of the college at Siligam. He submits that it is not discernible from the record how and under what circumstances, the impugned communications have been issued by the Nodal Principal and the Additional Deputy Commissioner, when no such decision has been taken by the Government. According to learned counsel, the impugned communications are without authority, do not sustain the test of law, and are liable to be quashed.

21. Lastly, learned counsel submits that he has placed on record revenue documents evidencing that 86 kanals of land at Siligam is still vacant for establishment of the college, and therefore, there exists no legal impediment preventing the Government from establishing the college at the said location.

**SUBMISSIONS ON BEHALF OF RESPONDENTS:**

22. The learned Senior Counsel Mr. A. H. Naik for respondents herein and petitioners in writ petition No. OWP No. 1213/2018, states that town Aishmuqam is a famous town in District Anantnag with a population of around thirty thousand souls at the time of filing of the petition, which town is a resting place of one of famous Sufi Saint of Kashmir namely Sakhi Zain-Ud-Din Wali (R.A) and the said town is situated in the middle, rather centre of two connecting blocks namely Khoveripora and Dachnipora. In addition, it has been averred that town is the central point for other adjoining areas as many as more than 80 villages of the area and are directly connected with Aishmuqam with the population of above one lac souls.
23. It is further urged that, notwithstanding such consistent institutional endorsements, the Government, without any supporting feasibility or rational basis, vide order dated 24.04.2018, shifted the location of the proposed Degree College to Siligam (Akar), a move which, according to learned counsel, is not supported by any expert evaluation and is in clear derogation of the cumulative reports gathered over several years. Learned counsel draws the attention of this Court to the communication dated 28.04.2018 issued by police authorities expressing unequivocally that Siligam/Akar is not a viable location from a security standpoint, thereby rendering the impugned decision wholly unjustifiable even on the parameters of public safety.

24. It is further contended by Mr. Naik that the present shift does not emanate from any policy reconsideration but constitutes a departure from the settled policy determination of the Government itself. It is submitted that the Government, on its own volition, subsequently constituted a High-Level Committee vide Government Order No. 532-HE of 2018 dated 14.11.2018, comprising the Deputy Commissioner, Anantnag, Director School Education and Director Colleges, which committee, after analysing feeder zones, population spread, and accessibility of educational institutions, recommended unequivocally that out of nine Higher Secondary Schools which would feed the proposed College, six would be conveniently catered only if the College is located at Aishmuqam. Learned counsel also submits that this report was never challenged by any stakeholder, including the private respondents, nor has any contrary feasibility study been produced on record.
25. It has been vehemently argued by learned Senior counsel that latest objections filed by the Government before this Court in March 2024 further fortify the stand that Aishmuqam is the appropriate location where the Degree College ought to be established, thereby conceding in effect that the earlier order sanctioning establishment of the College at Siligam is neither sustainable nor reflective of expert assessment. Mr. Naik further submits that the subsequent writ petition preferred by some residents of Siligam/Akar challenging mere administrative communications is misconceived

inasmuch as no final order emanating from the Government is under challenge, and mere internal communications preparatory to a policy decision are not amenable to judicial review.

26. Learned counsel submit that private respondents, though impleaded, have not chosen to file reply nor have they disputed the core averments regarding land availability, feeder institution accessibility, and the comparative educational and geographical advantage of Aishmuqam. It is contended that not filing of the reply by Mr. G.A.Lone on behalf of newly added respondents in itself operates as an admission of factual assertions.
27. In the above backdrop, Mr. Naik would submit that while ordinarily this Court would refrain from interfering in matters falling within the realm of policy formulation, in the present case the impugned action does not constitute a policy decision but rather an arbitrary deviation from one, actuated by considerations extraneous to educational planning and administrative viability. The decision to shift the College to Siligam, is not supported by any material, contrary to cumulative Governmental appraisal, inconsistent with security inputs, and thus liable to be quashed being arbitrary, unreasonable and in violation of Article 14 of the Constitution of India.
28. He further submits that in the light of the decision taken by the committee constituted afresh, the Government may be directed to



establish the said college at Aishmuqam as the delay is in nobody's interest and prays that the order No. 582-HE of 2018 dated 14.11.2018 be quashed.

29. Per contra Mr. IlyasLaway, learned Government Advocate, appearing on behalf of official respondents, has raised a preliminary objection with regard to the maintainability of both the writ petitions and submits that both the writ petitions are not maintainable and liable to be dismissed at the very threshold as the petitioners have failed to establish infraction of any of their legal, fundamental and statutory right and, thus, the instant petitions, are not maintainable.
30. While the matter was being argued, a query was raised by this Court to Mr. Laway, learned GA, appearing for the respondents that in absence of any decision by the Government, how and under what circumstances the impugned communications, which are subject matter of the instant petition, have been issued.
31. Mr. Laway, learned GA, was confronted by this Court whether the Government has taken any decision in this regard to shift the college from Siligam to Ashimuqam and if that is so, whether the Government has taken note of recommendations of the committee constituted in this regard while taking the subsequent decision for shifting the college from Siligam to Ashmuqam.

32. With a view to satisfy this Court, Mr. Laway, learned Government Advocate, submits that because of the rider imposed by this Court by virtue of interim direction in the writ petition OWP 1213/2018, whereby this Court has passed status quo order and the Government could not take a final decision with regard to establishment of college at a particular place. However, he submits that once the rider is lifted by this Court, then the Government will take a decision in this regard keeping in view the recommendations of the committee so constituted and other relevant factors.
33. He further submits that the decision to establish a college at a particular place falls within the realm of policy decision and the policy decisions are not susceptible to the judicial review, unless the said policy decision is loathed with malafide consideration, manifestly arbitrary or against the Constitutional provisions. Since the petitioners in both the petitions have not pleaded anything like that, as such, the instant writ petitions cannot be entertained and are liable to be dismissed at the threshold, as the petitioners have failed to make out a sufficient cause for interference in the matters of policy decision.
34. Insofar as the query raised by this Court with regard to the validity of the report submitted by the committee so constituted wherein, two members have signed and one member i.e., Director School Education, Kashmir is not signatory to the said report, Mr. Laway submits that even if it is assumed that the 3rd member has not

signed the said report, yet the same can be relied upon as two members are signatory and the Government subscribe to the same stand which have been spelled out in the detailed report submitted by the committee which was constituted for the said purpose pursuant to the decision taken by the Government.

35. Mr. Laway submits that the committee, through its addendum dated 1st January 2019, specifically in relation to the location at Phalgam (Siligam/Aishmuqam), resolved that a final decision would be taken by the Higher Education Department upon receipt of the report of the three-member committee constituted under Government Order No. 582-HE of 2018 dated 14th November 2018, comprising the Deputy Commissioner, Anantnag, the Director Colleges, J&K, and the Director School Education, Kashmir. Pursuant thereto, the recommendations of the said committee were examined by the Higher Education Department and placed before the State Administrative Council for its consideration and approval. Upon approval of the Council, conveyed through Decision No. 18/2/2019 dated 14th January 2019, sanction was accorded vide Government Order No. 48-HE of 2019 dated 5th February 2019, for the establishment of 42 new Government Degree Colleges for the years 2019-2020 and 2020-2021 in underserved areas, including Phalgam-Siligam/Aishmuqam, Chittisingpora, Verinag and Mattan in District Anantnag.

36. He further submits that , the committee constituted under Government Order No. 582-HE of 2018, after considering all relevant parameters such as location, catchment area, population and distance for the intended beneficiaries, and keeping in view the establishment of newly approved colleges at Mattan and Chittisingpora, concluded that the establishment of a college at Aishmuqam was feasible. The opening of these two colleges had a direct bearing on the catchment area of the proposed college at Siligam.
37. Lastly, he submits that the rider imposed by this Court be lifted so that the Government can take conscious decision in this regard as the continuance of the interim order in policy matter for establishing a college is in nobody's interest as the public at large especially the students residing in the same vicinity are suffering and it is the need of the hour that the colleges must be established forthwith so that the people of the vicinity may not suffer any further as they continued to suffer since 2018 when the first writ petition was preferred and subsequently in 2020 when the residents of Siligam came with institution of second writ petition.

**LEGAL ANALYSIS:**

38. It is evident from the material on record that the root cause of the present litigation lies in the unexplained deviation made by the Government from its own contradictory orders. The material placed on record demonstrates that since 2012, the consistent and

conscious decision of the Government supported by expert committees, feasibility assessments, and official communications was to establish the Government Degree College at Aishmuqam. The entire administrative exercise, including identification of land, population factor, availability of infrastructure and recommendations of the expert committee, was undertaken on the premise that Aishmuqam was the proposed and appropriate location. However, without disclosing any cogent reason, rationale, or contemporaneous record justifying a departure from this settled position, the Government suddenly issued Government Order No. 300-HE of 2018 dated 24.04.2018 sanctioning the establishment of the College at Siligam. No material has been placed before this Court explaining what prompted this abrupt change.

39. It is because of this sudden and unexplained change that compelled the people of Aishmuqam and nearby villages to approach this Court. Had the Government acted consistently and followed its earlier decision, there would have been no need for this litigation. The Government is therefore responsible for creating a situation that caused unnecessary legal dispute and prolonged uncertainty about the establishment of the College.
40. Further, after bare perusal of record it reveals that in writ petition OWP No. 1213/2018, Learned Counsel for respondents Mr. lone, was afforded repeated and sufficient opportunities to file their reply. Notwithstanding such indulgence, no reply was filed, and the



Court was constrained to close their right to file the same. However he has argued orally. It is trite law that pleadings which are not controverted are deemed to be admitted. Accordingly, this court has proceeded to decide the said petition on the basis of available material and on the pleadings of petitioners.

41. Given that the factual matrix and the legal issues arising in both writ petitions are substantially the same, this Court deems it appropriate to hear and decide them together, and accordingly, both the petitions shall stand disposed of through a common judgment.

42. After hearing counsel for both parties and perusing the material placed on record, the following questions arise for the determination in the present matter:

- i) **Whether the petitioners have the locus standi to file the writ petition?**
- ii) **Whether the High Court exercising its writ jurisdiction, can interfere with a Government policy decision relating to the establishment and location of an educational institution, particularly in matters involving technical or administrative expertise?**
- iii) **Whether a committee report signed by two out of its three members carries binding effect?**

**ISSUE 1: Whether the petitioners have the locus standi to file the writ petition?**

43. At the outset, Mr. G. A. Lone, learned counsel for the petitioners herein and respondents in Writ Petition OWP No. 1213/2018, in absence of any specific reply, has questioned the locus standi of the

petitioners orally in OWP No. 1213/2018, contending that the said petition is not maintainable as the petitioners lack the legal capacity to institute it.

44. Per contra, Mr. Ilyas Laway, learned Government Advocate appearing for the official respondents, has also raised a preliminary objection to the maintainability of both writ petitions. He submits that both the petitions are not maintainable and are liable to be dismissed at the threshold, as the petitioners have failed to demonstrate the violation of any legal, fundamental, or statutory right. Therefore, according to the learned Government Advocate, the present writ petitions do not merit consideration.

45. The contention advanced by Mr. G. A. Lone, questioning the locus standi of the petitioners in the writ petition OWP No. 1213/2018 on the ground that they lack the legal capacity to file it, does not merit acceptance. If the argument that the petitioners in OWP No. 1213/2018 lack locus standi on account of the **“matter pertaining to a policy decision and hence the Court can’t interfere”** is accepted, then by necessary implication, the present petition filed by the same counsel on behalf of the opposite side would also fail on identical grounds. Thus, such a stand cannot be selectively sustained.

46. Both writ petitions, one filed in 2018 and the other in 2020, stand admitted and have been pending before this Court for several years.

Once a petition has been admitted and has progressed beyond the threshold stage, a presumption of maintainability attaches to it. At such a belated stage, it would neither be appropriate nor judicious for the Court to revisit the issue of maintainability, particularly when considerable judicial time has already been expended in the matter.

47. Moreover, this Court cannot lose sight of the fact that the prolonged litigation between the parties extending for more than a decade has resulted in significant delay. The communities of both areas, particularly the student population, have endured considerable loss solely because the parties remained entangled in adversarial proceedings. A degree college conceptualised in 2012 for public benefit has remained unestablished for nearly thirteen years, during which successive batches of students have been deprived of access to higher education. In these circumstances, and considering the adverse public consequences of continued delay, this Court deems it appropriate to finally resolve the dispute instead of entering into a further technical examination of maintainability.

48. This Court is convinced that a determination limited merely to maintainability would neither serve justice nor uphold the purpose underlying the proposed Government Degree College. Rather than allowing procedural technicalities to further perpetuate stagnation, this Court finds it appropriate to examine the matter on merits so

that the long-pending issue is conclusively resolved and the intended public benefit is realized without further delay.

49. This Court is refraining at this stage from going into the locus standi and maintainability of this petition, which has already been admitted and is ripe for disposal, keeping in view the public interest involved and the loss suffered by the student community. In this backdrop, therefore, instead of delving into technicalities, the Court deems it appropriate to decide the entire gambit of the controversy on merits, so that the issues pending in both petitions are closed and the controversy is finally set at rest. Moreover, this Court is making sincere endeavor to clinch this controversy by deciding rights of all the contesting parties.

50. **Issue number (i) is accordingly answered.**

**(ii) Whether the High Court exercising its writ jurisdiction, can interfere with a Government policy decision relating to the establishment and location of an educational institution, particularly in matters involving technical or administrative expertise?**

51. It is a settled position of law that the Government, being entrusted with governance and planning, is the appropriate authority to decide where an educational institution should be established. Such a decision is taken after considering several factors, including availability of land, population coverage, access-routes, feasibility of construction and larger public convenience. Courts do not step

into this arena unless the decision is shown to be unconstitutional, arbitrary, or in violation of a statutory mandate.

52. As a general rule, courts do not interfere in policy decisions, which fall within the exclusive domain of the executive.

53. Policy decisions are matters of choice, planning, and technical judgment, and usually fall within the exclusive domain of the Government. Such decisions require evaluation of competing interests, allocation of limited resources, and consideration of social, economic, and administrative factors beyond the technical competence of the Court. Consequently, courts are generally reluctant to interfere in policy matters. However, judicial review is not entirely excluded and is permissible where a policy decision is shown to be illegal, arbitrary, mala fide, procedurally irregular, in violation of statutory provisions, or inconsistent with constitutional mandates. Courts may intervene where a decision is manifestly unreasonable, discriminatory, shocks the conscience, or violates principles of natural justice, causing undue prejudice to the public.

54. The official respondents have explained their stand by placing material which shows that the chosen location is centrally situated, has adequate land and infrastructure feasibility, and is capable of catering to multiple surrounding areas. What stands out is that decisions concerning public institutions are taken with reference to overall public convenience, and not merely the convenience or preference of one locality over another.

55. It must be emphasized that judicial review does not entitle the Court to substitute its own opinion for that of the executive; the Court's role is limited to ensuring that the executive has acted within the bounds of law, applied its mind rationally, considered relevant factors, and complied with established policies and procedures. In the present case, while the decision regarding the location of the College involves technical and administrative considerations, it remains open to judicial review to ensure that it was not arbitrary, irrational, illegal, or contrary to the law and expert recommendations.
56. A catena of judgments of the Hon'ble Supreme Court and various High Courts have reiterated that the scope of judicial review of governmental policy is inherently limited and the merits or soundness of the policy itself are not open to judicial scrutiny, some of which are discussed herein below.
57. The Hon'ble Supreme Court in the case of **Film Festivals versus Gaurav Ashwin Jain [2007 (4) SCC 737]**, has held as under:

*“The scope of judicial review of governmental policy is now well defined. Courts do not and cannot act as Appellate Authorities examining the correctness, suitability and appropriateness of a policy, nor are courts advisors to the executive on matters of policy which the executive is entitled to formulate. The scope of judicial review when examining a policy of the Government is to check whether it violates the fundamental rights of the citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary. Courts cannot interfere with policy either on the ground that it is*



*erroneous or on the ground that a better, fairer or wiser alternative is available. Legality of the policy, and not the wisdom or soundness of the policy, is the subject of judicial review.”*

58. A three-judge Bench of the Hon’ble Supreme Court, while examining an issue substantially similar to the one raised in the present matter, in **Union of India vNagesh (2002) 7 SCC 603**, held as follows:

*“After we heard the matter, we are of the view that such a direction could not have been issued by the High Court to the appellants herein in a petition under Article 226 of the Constitution. What would be the scheduled timings for a train for its departure and arrival is an administrative decision keeping in view the larger public interest or public convenience and not the convenience of the public of a particular town. Such a decision is within the exclusive administrative domain of the Railways and is not liable to be interfered with in a petition filed under Article 226 of the Constitution. In spite of the said decision rendered in regard to the similar earlier orders of the said High Court, the Division Bench of the High Court has chosen to indulge in a similar exercise in this case.”*

59. The High Court of Himachal Pradesh in a case titled **Changar College Sanghrsh Samiti, Ranital Versus State of Himachal Pradesh & others** reported as **2017 SCC OnLine HP 2061**, while dealing with a matter of similar nature, considered a petition, wherein the petitioner contended that although a proper survey had been conducted for establishing a new institution, the Government had instead chosen to locate the institution at Takipur, allegedly without the requisite infrastructure. Upon examining the record, the Court observed that the decision to shift the proposed site appeared



to have been taken in haste. However, noting that the decision pertained to matters of governmental policy, the Court declined to exercise its jurisdiction to interfere. Court observed that the dispute raised was essentially political in nature, and such matters are to be resolved in an appropriate political forum rather than through litigation. The court observed as under:

*“It is a settled principle of law that unless and until action of the State is erroneous, unreasonable, irrational, thus illegal, a Constitutional Court would not interfere in quashing a policy decision. To us, the issue raised appears to be purely political in nature. Hence, such battles are best left to be fought in a totally different arena, lest allowed to be pursued by proxy litigation, for Courts cannot be a party to any decision, more so which has got political overtones. From the material so placed before us, it cannot be said that action of the State warrants interference.”*

60. This Court, in the case titled **Inhabitants of Township Dangiwachha v State and Others, OWP No. 562/2011**, decided on **12 October 2017**, had to consider whether the decision to fix the location of a new Degree College was within the powers of the political executive, or whether the High Court, while exercising writ jurisdiction, could direct that the College be set up at some other place. The Court held that such decisions fall within the powers of the executive and not the judiciary. The Court further observed that its role is only to examine whether the decision is lawful, and not whether it is more suitable, better, or wiser. The Court observed as under:

*"Applying the ratio of the law laid down supra to the facts of the instant case, it is loud and clear that the power and the authority of the Courts to examine the correctness, suitability and appropriateness of a policy of the Government is limited in its scope and extent. The Courts can sit in the judgement of the executive and trample on it only in case it violates the fundamental rights of the citizens or is in conflict with the provisions of the Constitution or is opposed to any statutory provision or is manifestly arbitrary. The decision of the political executive in establishing the college at Rafiabad, Baramulla, is not amenable to judicial review as, on the face of it, it is neither violative of the fundamental rights of the citizens nor is it opposite to the provisions of the Constitution or any statutory provisions nor is it manifestly arbitrary.*

61. The law laid down in the aforesaid judgments makes it is evident that Courts neither function as appellate authorities empowered to examine the correctness, suitability, or appropriateness of a policy, nor do they act as advisors to the executive in matters which fall within the exclusive domain of policy formulation.
62. However, Judicial intervention in policy matter is permissible on established grounds such as illegality, arbitrariness, irrationality, mala fide exercise of power, or procedural impropriety and the Hon'ble Supreme Court has reiterated these principles in a plethora of decisions, some of which are discussed herein below.
63. Hon'ble Apex Court in the case of **Tata Cellular Vs. Union of India reported in (1994) 6 SCC 651** laid down the basic principles regarding the possibility of Judicial intervention in policy matters

by Government which still hold the field. Paragraph 77 of the said judgment reads as under:

*77. The duty of the court is to confine itself to the question of legality. Its concern should be:*

*Whether a decision-making authority exceeded its powers?*

*Committed an error of law,*

*Committed a breach of the rules of natural justice,*

*Reached a decision which no reasonable tribunal would have reached or,*

*Abused its powers.*

*Therefore, it is not for the court to determine whether a particular policy or particular decision taken in the fulfillment of that policy is fair. It is only concerned with the manner in which those decisions have been taken. The extent of the duty to act fairly will vary from case to case. Shortly put, the grounds which an administrative action is subject to control by judicial review can be classified as under:*

*(i) Illegality: This means the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it.*

*(ii) Irrationality, namely, Wednesbury unreasonableness.*

*(iii) Procedural impropriety.*

*The above are only the broad grounds but it does not rule out addition of further grounds in course of time. As a matter of fact, in R. V. Secretary of State for the Home Department, exBrind, (1991) 1 AC 696, Lord Diplock refers specifically to one development, namely, the possible recognition of the principle of proportionality. In all these cases the test to be adopted is that the court should, 'consider whether something has gone wrong of a nature and degree which requires its intervention'.*

64. The Hon'ble Apex Court recently in the case of **West Bengal Central School Service Commission vs. Abdul Halim** reported in **2019 SCC OnLine SC 902** had again an occasion to consider the scope of interference under Article 226 in an administrative action. The Court observed as under:

*“In exercise of its power of judicial review, the Court is to see whether the decision impugned is vitiated by an apparent error of law. The test to determine whether a decision is vitiated by error apparent on the face of the record is whether the error is self-evident on the face of the record or whether the error requires examination or argument to establish it.*

*If an error has to be established by a process of reasoning, on points where there may reasonably be two opinions, it cannot be said to be an error on the face of the record, as held by this Court in Satyanarayan v. Mallikarjuna reported in AIR 1960 SC 137. If the provision of a statutory rule is reasonably capable of two or more constructions and one construction has been adopted, the decision would not be open to interference by the writ Court. It is only an obvious misinterpretation of a relevant statutory provision, or ignorance or disregard thereof, or a decision founded on reasons which are clearly wrong in law, which can be corrected by the writ Court by issuance of writ of Certiorari. Materials on record, the same may be regarded as perverse.*

*However, the power of the Court to examine the reasonableness of an order of the authorities does not enable the Court to look into the sufficiency of the grounds in support of a decision to examine the merits of the decision, sitting as if in appeal over the decision. The test is not what the Court considers reasonable or unreasonable but a decision which the Court thinks that no reasonable person could have taken, which has led to manifest injustice. The writ Court does not interfere, because a decision is not perfect.”*

65. In **Centre for Public Interest Litigation v. Union of India and others** reported as **2016 SCC Online SC 301**, the Apex Court held as under:

*“when a pure policy decision made after deliberations by experts, is not found to be arbitrary or mala fide or against statutory provisions based on relevant considerations, such a policy does not call for judicial intervention,”.*

66. Further the Hon'ble Apex Court in case titled as **Vivek Narayan Sharma versus Union Of India** reported as 2023 (3)SCC 1 has reaffirmed that:

*“This court observes that courts do not play an advisory role to Government and economic policy decisions should be left to experts. This Court observed that it is not normally within the domain of any Court to weigh the pros and cons of the policy or to scrutinize it and test the degree of its beneficial or equitable disposition for the purpose of varying, modifying or annulling it, based on howsoever sound and good reasoning. It is only when a policy is arbitrary and violative of any Constitutional, statutory or any other provisions of law that the Courts can interfere.”*

67. Reference is also made to the judgment of the Apex Court in **Ugar Sugar Works Ltd. V. Delhi Admn. (2001) 3 SCC 635**, wherein the following observations were made:-

*“18. ...It is well settled that the courts, in exercise of their power of judicial review, do not ordinarily interfere with the policy decisions of the executive unless the policy can be faulted on grounds of mala fide, unreasonableness, arbitrariness or unfairness etc. Indeed, arbitrariness, irrationality, perversity and mala fide will render the policy unconstitutional. However, if the policy cannot be faulted on any of these grounds, the mere fact that it would hurt business interests of a party, does not justify invalidating the policy. In tax and economic regulation cases, there are good reasons for judicial restraint, if not judicial deference, to judgment of the executive. The courts are not expected to express their opinion as to whether at a particular point of time or in a particular situation any such policy should have been adopted or not. It is best left to the discretion of the State.”*

68. In view of the aforesaid judgments, it is evident that the Apex Court in plethora of judgments have recognized that judicial intervention



in policy matters is permissible on well-established grounds such as illegality, irrationality, or procedural impropriety. Accordingly, a policy decision of the Government is amenable to judicial scrutiny to the extent that it contravenes statutory or constitutional mandates, or where it suffers from manifest unreasonableness.

69. Turning to the facts of the present case, this Court finds that the action of the Government in the instant cases suffer from unreasonableness and lack of rationality. The present litigation traces its origin to the year 2012, when the then Government commenced the process for establishing a Government Degree College in the Aishmuqam area. Pursuant to Government Order No. 328-HE of 2012 dated 13.08.2012, a committee was constituted to examine the feasibility of establishing a new Degree College within the identified geographical areas. The committee was headed by the Chairman, Director of Colleges, Higher Education Department, and comprised ten (10) Principals of various Government Degree Colleges as its members.

70. Upon completion of its mandate and after due consideration of relevant parameters, the committee submitted its report recommending the establishment of a Degree College in the Pahalgam area, specifically proposing Aishmuqam as the location for the said institution.

71. After a considerable lapse of time, the Government, by order dated 24.04.2018 vide No. 300-HE of 2018, sanctioned the establishment of a Degree College at Village Siligam instead of Aishmuqam. This represented a reversal of the earlier decision, notwithstanding the fact that all records indicated a conscious decision to establish the college at Aishmuqam. The circumstances and reasoning behind the Government's change of position are not discernible from the available records.
72. The Government order No. 300-HE of 2018 was subsequently challenged before this Court by way of Writ Petition OWP No. 1213/2018 titled *United Auqaf Committees Aishmuqam v. State of J&K &Ors.* On consideration of the writ petition, this Court by virtue of an interim order directed that no action shall be taken to implement the order dated 24.04.2018 until further orders.
73. Thereafter, a committee was constituted vide Government Order No. 582-HE of 2018 dated 14.11.2018 to assess the feasibility of the site, which recommended that the college should be established at Aishmuqam.
74. Despite the recommendations of both expert committees, the Government thereafter issued Order No. 48-HE of 2019 dated 05.02.2019, sanctioning the establishment of forty-two colleges, including one college, whose proposed location was reflected as "Pahalgam Siligam/Aishmuqam." This order once again failed to



adopt a clear and definitive position regarding the location of the college. By indicating both Aishmuqam and Siligam as possible locations, the Government introduced further ambiguity, thereby generating uncertainty and prolonging the delay in implementing a decision intended to advance public welfare.

75. Mr. Lone while arguing the matter has placed much emphasis on the manner in which the location has been described in the said Government order, contending that Siligam is shown as the primary and preferred location, with Aishmuqam mentioned only thereafter.
76. The reasoning put forth by learned counsel in this regard is a misconceived interpretation. The Government order in which both the locations are mentioned cannot, by itself, be treated as conclusive of the Government's intent, particularly when the feasibility report prepared thereafter reflects a different assessment.
77. The issuance of a Government order specifying both Siligam and Aishmuqam, is failure of administrative clarity and has undoubtedly created a degree of ambiguity. The mention of both locations appears to be no more than a provisional acknowledgment of the two possible sites under consideration, rather than a final determination by the Government. The mere mention of both locations in the Government order, cannot be treated as a final decision of the Government.

78. It is evident from the record that the Government has acted unreasonably. Two duly constituted committees had independently and consistently recommended Aishmuqam as the appropriate and feasible location for the establishment of the college. The first committee was constituted under Government Order No. 328-HE of 2012 and the subsequent committee was constituted under Government Order No. 582-HE of 2018. Notwithstanding these clear expert findings, the Government, by Order No. 3-HE of 2018 dated 24.04.2018, unilaterally sanctioned the establishment of the college at Siligam, contrary to the considered recommendations of both committees. The subsequent issuance of Order No. 48-HE of 2019, reflecting the college location as “Pahalgam Siligam/Aishmuqam,” further entrenched the Government’s indecisiveness, resulting in additional uncertainty and avoidable delay in operationalising a project conceived for the benefit of the student community.

79. Applying the settled principles of judicial review, the Court finds that the Government’s decisions, both Order No. 300-HE of 2018 sanctioning the establishment of the college at Siligam and Order No. 48-HE of 2019 which ambiguously reflected the location as “Pahalgam Siligam/Aishmuqam,” are vitiated by manifest irrationality and arbitrariness. The consistent expert recommendations in favour of Aishmuqam were disregarded

without any cogent or legally sustainable reasoning, thereby rendering the impugned actions unsustainable in law.

80. Two expert committees, constituted in 2012 and 2018 respectively, after due technical evaluation, unequivocally concluded that Aishmuqam was the feasible and appropriate location for the proposed college. These expert assessments were never replaced, reviewed, or contradicted by any subsequent study, material, or reasoning.
81. Notwithstanding this, the Government abruptly departed from its own expert advice without recording any justification and without demonstrating any change in circumstances, and without disclosing any cogent reason for changing their decision. Such an unexplained and statistically unsupported deviation from expert recommendations fails the test of reasonableness and falls squarely within the recognised grounds of judicial interference under Article 226, as enunciated by the Hon'ble Supreme Court in catena of judgements.
82. The impugned decision of the Government vide Government Order No. 300-HE of 2018, is contrary to the material on the record and not supported by cogent reasons, cannot be sustained in law. It has resulted in prolonged uncertainty, stalled the establishment of a much-needed educational institution, and adversely affected the student population for more than a decade. Therefore, this Court

holds that the Government's decision sanctioning the college at Siligam is irrational, arbitrary, and unsustainable.

**Accordingly, issue number (ii) is decided in favour of the petitioners in OWP No.1213/2018.**

**iii) Whether a committee report signed by two out of its three members carries binding effect?**

83. Mr. G.A Lone, Learned counsel for the petitioners contended that the report of the committee constituted vide Government Order No. 582-HE of 2018 cannot be regarded as a valid report in the eyes of law, as it bears the signatures of only two out of the three committee members. It is submitted that the Director School Education, Kashmir, who was also a member of the committee, has not signed the report. Consequently, according to the petitioners, the report lacks authenticity and evidentiary value, and no reliance can be placed upon it.

84. I am in agreement with the arguments advanced by Mr. Laway that once, the majority of the committee members have signed the report, it constitutes a legally sustainable document, particularly when, the conclusions are supported by detailed reasons as the committee was duly constituted pursuant to the decision taken by the Government by virtue of the order vide Government Order No. 582-HE of 2018, the report confirms that the committee examined the matter with due consideration and application of mind.

85. The Court has carefully examined the report submitted by the committee constituted vide Government Order No. 582-HE of 2018 dated 14.11.2018. Upon perusal of the report, it emerges that the committee undertook a comprehensive exercise by collecting inputs on all prescribed parameters from multiple sources, including scrutiny of the available official records and on-site field inspections. The assessment was conducted with the specific objective of evaluating the feasibility of establishing the sanctioned Government Degree College at either Siligam or Aishmuqam in the Pahalgam Sub-Division.
86. The report reveals that, upon evaluation of all relevant parameters, the committee concluded that Aishmuqam is geographically situated at a more central and convenient location within the Pahalgam Sub-Division as compared to Siligam. It further recorded that habitations located in the peripheral northern areas of Pahalgam, such as Aru, Frislana and Mandlana, would be significantly farther from Siligam, whereas Aishmuqam offers superior proximity and accessibility to these regions. The committee also highlighted that the majority of Higher Secondary Schools are located closer to Aishmuqam than to Siligam.
87. The report further indicates that the newly sanctioned Government Degree College, Mattan, situated along the Anantnag–Pahalgam road, lies merely 8 kilometres from Siligam. Aishmuqam, being a notified town administered by a Municipal Committee, was found

to be more accessible to the population residing on both sides of the Lidder stream. The committee also recorded that transport facilities are significantly better at Aishmuqam, which is serviced by an established Mini Bus Stand as well as a Sumo Stand—facilities which admittedly were not available at Siligam on the date when the reply affidavit was filed by the Government initially.

88. The committee undertook a detailed comparative analysis of the feeding Higher Secondary Schools for each location and observed that Siligam would effectively cater to only three Higher Secondary Schools, whereas Aishmuqam would cater to a larger number. It further noted that in light of the sanctioning of new Degree Colleges at Mattan, Chattisinghpura and Bijbehara, the Higher Secondary Schools at Salia and Seer had already been designated as feeding institutions for Degree College Mattan, while the Government Higher Secondary School (Boys), Sirigufwara, had been shown as a feeder for Degree College Bijbehara.
89. In addition, the committee recorded that two institutions affiliated with the Central Board of Secondary Education (CBSE)—Jawahar Navodaya Vidyalaya (JNV) Aishmuqam and Army Goodwill School, Lidroo—are located in considerably closer proximity to Aishmuqam rather than Siligam. Thus, students from these institutions would also be better served if the Degree College were established at Aishmuqam.

90. The committee further evaluated land availability at both proposed sites. As per the report submitted by the Tehsildar concerned, Aishmuqam has more than 80 kanals of State land available under Khasra No. 1688/1122 min suitable for establishment of the college. In contrast, Siligam has only 8 kanals of State land under Khasra No. 428 and 67 kanals of Kahcharai land under Survey Nos. 430, 471 and 431/1, which is comparatively insufficient and less suitable for development of essential infrastructure.
91. Upon considering all relevant parameters including geographical centrality, accessibility, transport availability, proximity to existing feeder schools, and sufficiency of land, the committee unanimously arrived at the following findings and recommendations, which for the facility of reference are reproduced below:

*“Findings*

- i. Aishmuqam, as compared to Siligam, is geographically located at a central location; whereas Siligam lies at the southern extremity of the Pahalgam Sub-Division.*
- ii. Habitations in the northern peripheral areas of Pahalgam (such as Aru, Frislana, Mandlana, etc.) are significantly closer to Aishmuqam than to Siligam.*
- iii. The maximum number of feeding Higher Secondary Schools are proximate to Aishmuqam.*
- iv. Aishmuqam affords better accessibility to populations located on both sides of the Lidder stream.*
- v. Transport services at Aishmuqam are superior owing to the existence of a Mini Bus Stand and a Sumo Stand.*
- vi. Aishmuqam is a notified town administered by a Municipal Committee, thereby ensuring better civic and support services.*



- vii. *The newly sanctioned Government Degree College, Mattan, is situated merely 8 kilometres from Siligam.*
- viii. *Another newly sanctioned Government Degree College at Chattisinghpura lies at a distance of 13 kilometres from Siligam.”*

92. Upon meticulous examination of the committee’s report, this Court finds no legal infirmity in its contents or conclusions. The report is exhaustive, reasoned, and based on objective criteria assessed through field inspections and documentary material. The committee has undertaken a scientific, comparative, and data-driven analysis of all relevant parameters.

93. It is further observed that the report has been duly signed by the majority of the committee members, namely the Deputy Commissioner, Anantnag, and the Director Colleges, Jammu & Kashmir. The absence of the signature of the Director School Education, Kashmir, does not, render the report invalid or unreliable. A committee report does not become invalid merely because it lacks the signature of one member, so long as it reflects the considered opinion of the majority and the conclusions are based on objective material, comprehensive inquiry, and reasoned analysis.

94. In **Dr.BabasahebAmbedkar Memorial Society, Chandrapur and Another v. Nagpur University and another** reported **2004 SCC OnLineBom 973**, the Bombay Court held that:

*“Once a committee is constituted, the functioning of such committee is always to be governed by the majority view of such selection committee”.*

95. Further, the petitioners in OWP No.309/2020 have not, specifically challenged or sought any relief against the Report of the Committee constituted by the Government vide Government Order No. 582-HE of 2018 dated 02.07.2018, when the same was in their active knowledge. The Committee Report, having been relied upon by the official respondents and forming the foundational basis of the subsequent administrative actions, stands unrebutted and unchallenged on record. The only impugned actions that have been specifically challenged in the writ petition are:

- (a) Communication bearing No. GDC/UT/2019/332-334 dated 21.11.2019; and*
- (b) Communication bearing No. DCA/SQ/19/2955-57 dated 26.11.2019.*

96. During the course of oral arguments, learned counsel appearing for the petitioners Mr. Lone sought to raise, for the first time, a challenge to the validity and correctness of the aforesaid Committee Report. In the absence of any specific challenge in the writ petition to the Committee Report, which is an offshoot of the subsequent stand taken by the Government in the reply affidavit, mere challenge to the said communications dated 21.11.2019 and 26.11.2019 becomes wholly irrelevant, misconceived and untenable in law.

97. The impugned communications are merely consequential and an offshoot of the findings and recommendations contained in the Committee Report which has not been challenged by petitioners in WP(C) 309/2020. When the foundation (i.e., the Committee Report) remains intact and unassailed, the superstructure built upon it (i.e., the impugned communications) cannot be demolished.
98. Therefore, this Court finds the committee report to be both credible and legally sustainable, and discerns no basis either to cast doubt upon its findings or to decline reliance thereon. In the present case, the report is comprehensive, reasoned, and founded upon a systematic comparative assessment of both proposed locations. The fact that it bears the endorsement of the majority of the duly constituted committee further fortifies its legal validity.

**Issue number (iii) is accordingly answered.**

99. This Court would be failing in its duty if it does not issue a word of caution to both the Government as well as the litigants. The self-contradictory and inconsistent orders issued by the Government, from time to time, with regard to the location for establishment of the Government Degree College have not only created avoidable confusion, but have also caused immeasurable prejudice to the student community, who were otherwise entitled to be admitted and pursue their education therein. Such indecisiveness on the part of the administration has, in turn, furnished repeated occasions to the

petitioners to re-agitate the issue, thereby further depriving aspiring students of the opportunity to study in the said institution.

100. A considerable amount of judicial time has been squandered owing to the lackadaisical approach of the Government and the filing of cross writ petitions by litigants. The time of the Court is a invaluable, especially in view of the ever-increasing pendency of cases. Every minute spent on avoidable litigation is a minute denied to a deserving litigant awaiting adjudication.
101. The Hon'ble Apex Court has, on numerous occasions, deprecated, in the strongest terms, attempts by litigants to misuse the judicial process and to fritter away valuable court time. It has been consistently emphasised that the administration of justice cannot be permitted to be obstructed by frivolous, dishonest or dilatory tactics, as such conduct erodes public confidence in the justice-delivery system and places an unwarranted burden on an already over-stretched judiciary.
102. In **Suraz Trust v. Union of India, AIR 2021 SC 4706**, the Hon'ble Supreme Court, while imposing exemplary costs of ₹25 lakhs for wasting judicial time, observed:

*“Extremely important matters are taken up for consideration on a daily basis, and sometimes they lag behind because of individuals who were not competent to assist this Court, insist without due cause, to be granted a prolonged hearing... All such misadventures have to be dealt with sternly, so as to prevent abuse of judicial time, especially by*

*individuals who freely cast scandalous and imaginary accusations in their submissions.”*

103. Likewise, in **Pandurang Vithal Kevne v. BSNL, 2024 SCC OnLine SC 4108**, while imposing costs of ₹1,00,000, the Hon’ble Supreme Court held:

*“Considering that precious time of this Court and the High Court was wasted by the petitioner, in our opinion the petitioner deserves to be burdened with heavy cost, to give a clear message to unscrupulous litigants... Such litigants are not only polluting the stream of justice but also putting hurdles in its dispensation to others... These types of litigants are choking the system of the court, which is resulting in delays in the decision of other cases. It is also the duty of the Courts at different levels to curb such type of litigation so that more time is available for dealing with genuine litigation.”*

104. This Court reiterates the aforesaid concern and emphasises that both the State and the litigants are under a solemn obligation to act responsibly and refrain from conduct which results in abuse of the process of law. Frivolous, repetitive and strategically motivated litigation, as well as administrative indecision, must be curbed with a firm hand, lest the very majesty of law be reduced to a casualty of avoidable delay and misuse.

### **CONCLUSION:**

105. Having heard learned counsel for parties and perused the material on record this Court is deeply concerned over the manner in which the indecisiveness of the Government has, for several years, deprived the residents, particularly the student of the benefits that

would have naturally flowed from the timely establishment of the college. What ought to have been a straightforward administrative exercise has, due to repeated contradictions, avoidable delays, and absence of a clear stand, escalated into prolonged litigation, thereby frustrating the very purpose for which the institution was sanctioned. This court is deeply concerned to observe that an entire generation of students, who could have availed the convenience, accessibility, and academic opportunities offered by a local degree college, has been compelled to travel long distances. Such avoidable hardship to young students and their families, caused solely by the administrative lapses of the authorities, weighs heavily upon the conscience of this Court. Educational institutions are not mere buildings, they are instruments of social advancement and empowerment, a direct measure of the State's commitment toward education, nation-building, and inclusive growth. Education, particularly at the higher level, shapes informed citizens, strengthens democratic values, and enables social and economic development. When establishment becomes entangled in prolonged disputes, it is not merely a procedural setback but a loss to the community at large and to the nation's development. The opportunity to pursue higher studies within reasonable proximity is essential for students of rural areas , who often lack the means to travel long distances or relocate.

106. In the present case, the uncertainty regarding the site of the proposed college since 2012 has adversely affected students and has, in effect, hindered the very purpose for which the institution was sanctioned.
107. This Court therefore reiterates that timely establishment of such an educational institution is not only in the interest of local students but is a necessary component of national progress, social upliftment, and balanced regional development. This Court records its anguish that, despite clear factual material and expert recommendations of the two committees constituted for the purpose and the Government's wavering approach has resulted in a loss which cannot be compensated and the issue that should have been resolved with promptness and clarity at the executive level, has instead led to prolonged and unnecessary litigation.
108. This Court is conscious of the fact that the establishment of an educational institution is a matter of executive policy, involving technical, financial, and administrative considerations which lie entirely within the domain of the Government. Courts do not possess the institutional expertise to determine the suitability of one location over another, nor can the court substitute its judgment for that of the competent authority, particularly when the Government has already undertaken a detailed exercise through a duly constituted committees.



109. This Court would fall short in its duty if it does not record, that such public-oriented issues demand promptness, diligence, and clarity from the Government. The prolonged inaction, coupled with the failure to seek vacation of interim orders at the appropriate time, has resulted in avoidable hardship to the community and has undermined the very purpose for which the college was sanctioned. While the damage already inflicted cannot now be undone, this Court cannot but express the pain and concern it has felt while dealing with a matter where the ultimate sufferers have been the students , individuals who were entitled to timely access to higher education and who have been deprived of these benefits solely due to administrative lapses and unnecessary procedural entanglements.
110. In view of the detailed exercise undertaken by the committee constituted for the purpose, and the clear findings returned therein, it was incumbent upon the Government to have acted in accordance with such recommendations and to have taken a final call on the establishment of the proposed Degree College at Ashmuqam.
111. Having carefully examined the 2018 report of the Committee, this Court finds no legal infirmity or procedural impropriety therein. The report is comprehensive, evidence-based, and the product of comparative analysis of all relevant parameters, geographical centrality, accessibility, land availability, proximity to feeder institutions, transportation networks, and existing educational infrastructure. The recommendations in favour of *Aishmuqam* are

well-reasoned and are supported by material on record. Accordingly, this Court holds that the Government's disregard of the report and its continued indecisiveness are patently arbitrary.

112. This Court is mindful of the settled principle that the determination of the location for establishment of an educational institution is fundamentally a matter of policy falling within the exclusive domain of the executive. However, it is equally well settled that such policy decisions are amenable to judicial review where such policy decisions are shown to be arbitrary, irrational, or contrary to the material on record. In the present case, both committee reports of the years 2012 and 2018 unequivocally recommended the location of the proposed college at Ashmuqam. Notwithstanding the said recommendations, the subsequent executive decision of 2018 to locate the college at Siligam is found to be unsupported by any cogent reasons and is vitiated by manifest arbitrariness and non-application of mind. In these circumstances, and with a view to bring finality to a long-pending controversy and to prevent further litigation, this Court deems it just and proper to direct that the college be established at Ashmuqam, so that a quietus is put to the dispute and the issue is laid to rest once for all.

113. While this Court cannot undo the hardship already endured, the present case must stand as a cautionary reminder. Public authorities, before embarking on litigation or maintaining adversarial positions, must exercise restraint and adopt decisions grounded in public

interest and expert inputs. Likewise, Courts must remain judicious and miser in granting interim relief in matters involving public infrastructure and welfare schemes. Interim orders should be time-bound, and matters of such public significance must be adjudicated with urgency to prevent stalling of projects essential for societal progress.

114. The present case is a stark example of how indecision, litigation, and administrative inconsistency can inflict unintended yet severe harm upon the public at large. Had the project proceeded unhindered, the College would have been operational long ago, providing substantial educational and developmental benefits to the region. Instead, successive generations of students have borne the cost of protracted proceedings and governmental ambiguity.
115. Going forward, this Court emphasizes that in matters concerning education and public welfare, the administration and the judiciary must act with concerted diligence to ensure that decisions are neither derailed nor rendered infructuous by the mere passage of time. Public interest, especially the educational aspirations of the youth, must remain paramount.
116. In view of the above discussions the writ petition bearing **OWP NO.1213/2018** is allowed and Government Order No. 300-HE of 2018 dated 24.04.2018, is quashed. Consequently, this Court directs the Government to establish the Government Degree College at

*Aishmuqam* in accordance with the consistent recommendations of both the expert committees and the stand taken by the Government in both the petitions that the college is required to be established at Aishmuqam. This direction shall be implemented with utmost expedition, keeping in view the educational loss suffered by the student community over the past decade. The Court makes it clear that no further delay shall be countenanced.

117. The writ petition bearing **WP(C) No.309/2020**, being bereft of any merit, deserves dismissal and is accordingly dismissed in view of the recommendations of both the committees and stand taken by the official respondents that the college should be established at Aishmuqam.

SRINAGAR:  
10.12.2025  
“Gh. Nabi/Jt. Reg.”

 (WASIM SADIQ NARGAL)  
JUDGE

- |   |  |            |
|---|--|------------|
| ❖ | <i>Whether the Judgment is Reportable?</i> | <i>Yes</i> |
| ❖ | <i>Whether the Judgment is Speaking?</i>   | <i>Yes</i> |