

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

Reserved On: 3<sup>rd</sup> of December, 2025.  
Pronounced On: 17<sup>th</sup> of February, 2026.  
Uploaded On: 17<sup>th</sup> of February, 2026.

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

**WP (C) No. 628/2022**

1. Sapna Devi, Age: 33 Years  
D/O Mohan Lal  
R/O Village Bhangal, Tehsil & District Reasi.
2. Arshad Bano, Age: 39 Years  
D/O Jamat Ali  
R/O H. No. 251, Bathindi, Jammu.

**... Petitioner(s)**

**Through: -**

Mr Abhinav Sharma, Senior Advocate with  
Mr Abhirash Sharma, Advocate.

**V/s**

1. Sheetal  
D/O Krishan Kumar Verma  
R/O A/P H. No. 2A, Lala Hans Raj Park,  
Near Mansar Hotel, Jammu.

**... Respondent**

2. UT of Jammu and Kashmir through Commissioner  
cum Secretary to Govt., Department of Industries  
& Commerce, Civil Secretariat, Jammu.
3. Jammu and Kashmir Services Selection Board,  
Through its Chairman Heena Complex, Sector-3,  
Channi Himmat, Jammu.
4. Secretary, J&K Services Selection Board, Jammu.
5. Yugal S/O Sh. Yash Pal R/O Bhalara, Bhaderwah,  
District Doda.

6. Rahul Sharma S/O Sh. Ashok Kumar Sharma R/O  
Mirpuran, Kathua.

**... Proforma Respondents**

**Through: -**

Ms Saliqa Sheikh, Assisting Counsel vice  
Mr Raman Sharma, AAG; and  
Mr Dewakar Sharma, Dy. AG.

**CLUBBED WITH:**

**WP (C) No. 1670/2023**

J&K Services Selection Board through its Secretary,  
CPO Chowk, Panjtirthi, Jammu.

**... Petitioner(s)**

**Through: -**

Ms Saliqa Sheikh, Assisting Counsel vice  
Mr Raman Sharma, AAG; and  
Mr Dewakar Sharma, Dy. AG.

**V/s**

1. Sheetal  
D/O Krishan Kumar Verma  
R/O H. No. 2 A, Lala Hansraj Park,  
Near Mansar Hotel, Jammu.

**... Respondent**

2. Sapna Devi D/O Mohan Lal R/O Village Bhangal,  
Tehsil & District Reasi.

3. Arshad Bano D/O Jamat Ali R/O House No. 251,  
Bathindi, Jammu.

4. Commissioner/ Secretary to Government,  
Department of Industries & Commerce, Civil  
Secretariat, Jammu.

**... Proforma Respondents**

**Through: -**

Mr Abhinav Sharma, Senior Advocate with  
Mr Abhirash Sharma, Advocate.

**CORAM:**

**HON'BLE MS JUSTICE SINDHU SHARMA, JUDGE  
HON'BLE MR JUSTICE SHAHZAD AZEEM, JUDGE  
(JUDGMENT)**

**SHAHZAD AZEEM-J:**

01. Challenge in this Writ Petition is to the legal pregnability of the Order and Judgment dated November 16, 2021 passed by the learned Central Administrative Tribunal Jammu Bench, Jammu [the Tribunal] in TA No. 61/6718/2020 titled '**Sheetal v. State of Jammu & Kashmir and Ors.**', whereby the Tribunal while partially allowing the TA filed by the Respondent No.1 herein (Applicant before the Tribunal) went onto quash the select list as well as wait list for the post of Knitting Instructor, Divisional Cadre Jammu *qua* the Petitioners and Respondent Nos. 5 & 6 herein, (Respondent Nos. 4 to 7 before the Tribunal) and also the notification No. DIP/K-2870 issued by the Respondent No.4, respectively.

**FACTS:**

02. These two clubbed Petitions arise out of same impugned Order, therefore, we propose to dispose of by this common judgment. Since, WP (C) No. 628/2022 is the lead case, therefore, reference to the parties shall be made in the same order.

03. The relevant facts in brief are that the Respondent No.4 has initiated the process of selection for 07 posts of Knitting Instructor, Divisional Cadre Jammu, in pursuance of a reference received from the Indenting Department, i.e., the Department of Industries and Commerce, out of which three posts were earmarked for OM category, as such, the J&K Services Selection Board [the Board] issued advertisement notice No. 03 of 2012, dated December 28, 2012, whereby applications were invited and, *inter alia*, basic qualification was prescribed as 10 +2 with Diploma in Knitting from ITI.

04. Accordingly, the Petitioners, Respondents No.1, 5 and 6, respectively, have also applied and were shortlisted for interview. Consequently, vide notification dated February 06, 2016, they were called for interview and same was scheduled to be held on February 13, 2016.

05. However, during the currency of interview process and particularly after the interviews of the parties herein, vide communication dated February 25, 2016, the Respondent No.4 sought a clarification from the Indenting Department, that the candidates who possess Degree/ Diploma in Textile/ Textile Technology/ Handloom Textile and certificates in Cutting, Tailoring, Knitting, etc., from other Institutes have also applied and have been shortlisted, whether can be considered for the post of Knitting Instructor.

06. The Indenting Department, vide communication dated March 18, 2016, clarified that the prescribed qualification as per the departmental recruitment rules shall be treated as the qualification.

07. The Board issued and published a notification in a local Daily, being No. DIP/K-2870, whereby it was notified, that all the candidates shortlisted for the post of Knitting Instructor, Divisional Cadre Kashmir/ Jammu advertised vide notification No. 03 of 2012, Item No. 207 and 02 of 2014, Item No. 150, possessing Diploma in Knitting/ Textile from a recognized Institution/ ITI, are informed that their interview, if not held earlier, shall be conducted on June 09, 2016 at the respective Offices of the Board at Srinagar/ Jammu.

08. On culmination of the selection process, the proforma Respondents No. 5 and 6 and Petitioner No.2, respectively, were shown to have been selected under OM category, whereas, the Petitioner No.1 was included in the Waiting List under OM category.

09. Since, the Respondent No.1 could not make the grade, therefore, she had challenged the Select List, published under No. DIP/J-10798, dated

March 14, 2017, *qua* the Petitioners and proforma Respondent Nos. 5 and 6, respectively. Challenge was also thrown to the notification No. DIP/K-2870 and also sought direction to select and appoint her against the post of Knitting Instructor, Divisional Cadre Jammu. This Writ Petition, being SWP No. 2166/2017, filed by the Respondent No.1, later on, came to be transferred to the Tribunal and was registered as, TA No. 61/6718/2020.

**FINDINGS OF THE TRIBUNAL:**

10. While partially allowing the TA, the Tribunal has proceeded on the premise that the official Respondents have committed illegality by changing the criteria midway the selection process. In this regard, the findings of the Tribunal can be traced in Paragraph No. 17 of the impugned Order and Judgment, and same reads thus:

“17. Looking to the facts of the case as discussed above and the settled law, indisputably, the official respondents disregarded the settled position of law that criteria cannot be changed midway the selection process and proceeded to change the criteria by adding more educational diplomas to the criteria prescribed in the advertisement in violation of law. The official respondents while considering other qualifications did not consider the educational qualification of applicant and thereby discriminated against her and violated her right to equal treatment under Article 14 of the Constitution of India and this action of the Respondents is totally illegal, arbitrary. It also comes out that the notification no. DIP/K-2870 issued by Respondent No.3 prescribing additional criteria is not supported by any recruitment rules or documentation and has apparently been whimsically inserted by the respondents in the selection process.”

Therefore, while showing indulgence, the Tribunal had formed the opinion that the selection criteria has been changed midway and said criteria was not supported by the recruitment rules or documentation, thus right guaranteed under Article 14 of the Constitution has been violated.

**CHALLENGE:**

11. The Writ Petition-WP (C) No. 628/2022 titled '**Sapna Devi & Anr. v. Sheetal & Ors.**' came to be filed by Sapna Devi-Petitioner No.1, a Waiting List candidate and Arshad Bano-Petitioner No.2, figuring at S. No.3 in the Select List, dated March 14, 2017, for the post of Knitting Instructor under OM category, respectively. Likewise, the second Writ Petition-WP (C) No. 1670/2023 has been filed by the Services Selection Board.

11.1. The submission of the Petitioners in WP (C) No. 628/2022 is that they did not receive notice at any stage, as such, they are condemned unheard.

11.2. The further contention of the Petitioners is that the Writ/ TA was not maintainable because of non-joinder of necessary parties, in that, the candidates selected under RBA category, namely, Anuradha, was not impleaded as party Respondent and, if at all the selection was bad, in that event, the entire selection list was required to be challenged.

11.3. The bone of contention of the Petitioners is that the Respondent No.1, who had challenged the selection of the Petitioners, was herself not holding the requisite qualification, therefore, no Writ or TA, at her instance being an ineligible candidate, was maintainable in law.

11.4. According to the Petitioners, the Tribunal failed to take into consideration that advertisement was contrary to the draft Recruitment Rules and, subsequently, a clarification was issued and published in the local Daily making the Diploma holders in Textile/ Knitting, either from recognized Institute or from ITI, eligible and there was no challenge to the selection at the instance of any aggrieved candidate.

11.5. Further ground of challenge is that the candidates who came to be selected for the post of Knitting Instructor from Kashmir Division, in pursuance of advertisement notice No. 06 of 2013 dated May 10, 2013 and

No. 02 of 2014 dated December 30, 2014, were also possessing the same qualification and were appointed, but the selection of the Petitioners has been quashed.

11.6. It is also urged that the Respondent No.1, before participating in the selection process, was aware of the clarification issued by the Respondent No.2 which was notified, yet the Respondent No.1 participated in the selection process and did not challenge the same before selection and it is only when she could not make the grade, took a u-turn and challenged the selection of the Petitioners which is not permissible under law. It is also stated that by now the Petitioners stood formally appointed, but the Respondents did not question their appointment orders and have served for a period of almost five years.

11.7. The Writ Petition-WP (C) No. 1670/2023 filed by the Board, mainly proceeds on the premise that the Respondent No.1-Sheetal, who has challenged the selection process, was not holding the requisite qualification as she had only undergone six months vocational training course from District Industries Centre, Jammu and same was not meeting the requirements of qualification prescribed in the relevant Recruitment Rules. Therefore, the Respondent No.1, being herself ineligible, and thus no Writ Petition at the instance of an ineligible candidate was maintainable in law.

11.8. The Board submitted that, alongside the Diploma certificate possessed by the Respondent No.1, the candidates who were holding the certificate in Crafts issued by the Social Welfare Department were also not considered by the Board, as same was at variance with the qualification prescribed under the recruitment Rules.

11.9. In order to buttress their respective stands and further, while questioning the legality of the impugned Order and Judgment of the Tribunal, the learned Counsels for the Petitioners have vehemently argued that since the qualification prescribed under the advertisement notification was at variance with the Recruitment Rules, therefore, during the process of

selection, by way of clarification, the notification came to be issued whereby the qualification prescribed under the Recruitment Rules was made applicable to the selection process, therefore, the question of midway changing the criteria does not arise, however, the Tribunal did not appreciate this aspect of the matter in its right perspective, as such, erred in quashing the Select List and the consequent notification issued by the Board. Hence, prayed for setting aside the impugned Judgment and Order under challenge passed by the Tribunal.

11.10. On the other hand, the Respondent Nos. 5 and 6 were set *ex parte*. However, the Respondent No.1 has filed the Objections, but again the Respondent Nos. 2, 3 and 4 failed to file the Objections, despite, pre-emptory Order came to be passed on February 03, 2025.

11.11. Be it noted that insofar as the Respondents No. 3 and 4 are concerned, their possible version can be glimpsed from the WP (C) No. 1670/2023 titled '**J&K Services Selection Board v. Sheetal & Ors.**'.

11.12. At the same time, the Respondent No.1 in both the Petitions is the same and has filed Objections in WP (C) No. 628/2022. Surprisingly, the Respondent No.1, in her preliminary submissions, specifically stated that she is not interested for the post in question and also in pursuing the litigation. Therefore, made prayer for deletion of her name from the array of Respondents. Insofar as parawise reply is concerned, same is evasive and there is no specific denial.

### **ANALYSIS:**

12. The issue under consideration is concerning the selection to the post of Knitting Instructor, Divisional Cadre Jammu, initiated way back in the year 2012. The Respondent No.1, after having failed to make the grade in the selection process, challenged the selection of the Petitioners herein and Respondent Nos. 5 and 6, respectively, mainly on the ground that the criteria of selection has been changed midway and, as a result thereof, many

ineligible candidates were also allowed to participate in the interview for the post of Knitting Instructor.

13. Before touching the nub of the controversy and to begin with, we wish to deal with the point raised by the Petitioners that they have been condemned unheard. According to the Petitioners, they have neither received notices in Writ Petition nor in TA, therefore, the impugned Order has been passed at their back and in violation of the rules of natural justice. Accordingly, we waded through the record.

14. On perusal of the record, it appears that notices to the Respondents (including the Petitioners herein) came to be issued vide Order dated September 01, 2017 and were sent through registered post on the given addresses. There is a specific noting on the file regarding deemed service of the Respondents. It is further seen that when the Writ Petition was transferred to the Tribunal, the Respondents No. 4 to 7 (including Petitioners herein) were set *ex-parte*, after the parties having failed to appear despite expiry of statutory period.

15. There is no averment worth the name made that the addresses of the Petitioners either were wrong or no notice has been issued. Under these circumstances, what was required to be done was to send notice through post by pre-paid registered letter containing the correct addresses. A reference in this regard can be made to Section 27 of the General Clauses, as interpreted by Hon'ble the Supreme Court in "**Krishna Swaroop Agarwal V. Arvind Kumar, 2025 SCC OnLine SC 1458**", wherein it was held that if service is made through Registered Post, it is deemed to have been made in accordance with law.

16. In "**Shimla Development Authority and Ors V. Santosh Sharma (SMT) and Anr; (1997) 2 Supreme Court Cases, 637**", the Hon'ble Supreme Court held that when notice is sent to the Respondents, but neither the un-served notice nor the acknowledgement cards have so far been

received from the Respondents, in such scenario, notice must be deemed to have been served on them.

17. Keeping in view the mandate of Section 27 of the General Clauses Act, as interpreted by the Hon'ble Supreme Court, the plea raised by the Petitioners regarding non-receipt of the notice is not tenable, as it lacks legal force, accordingly, same is turned down.

18. We shall now proceed to deal with the main issue that falls for consideration.

19. The precise submission of the Respondent No.1 before the Tribunal was that ineligible candidates, who were holding Diploma in Textile, Textile Technology, Handloom Textile, etc., were made eligible by changing the selection criteria midway, thereby converting merit into demerit and *vice versa*.

20. On the other hand, the stand of the Petitioners in these Writ Petitions is that the Respondent No.1, having participated in the selection process and found ineligible, thus, has no *locus* to question the selection process and, secondly; the criteria has never been changed midway the selection process, but the selection criteria notified in the advertisement were brought into conformity with the draft Recruitment Rules and it was duly published, thus, neither the Board had made any addition *dehors* the Rules nor changed the criteria midway the selection process. Therefore, the Tribunal had erred by quashing the selection.

21. In order to determine the point of maintainability of the TA in view of the ineligibility of the Respondent No.1, coupled with her participation in the selection process, the reference to the advertisement notification; Recruitment Rules (Draft) and the qualification of the Petitioners and contesting private respondents assumes importance.

22. The qualification prescribed in the advertisement notification for the post of Knitting Instructor was 10+2 with Diploma in Knitting from

ITI. The Petitioners have also placed on record two other advertisement notifications, being No. 06 of 2013 dated May 10, 2013; whereby 12 posts of Knitting Instructors were advertised for Kashmir Division prescribing the educational qualification as 10+2 with Diploma in Knitting/ Textile from recognized Institutes/ ITI. The second notification No. 02/2014 dated December 30, 2014 also pertains to Divisional Cadre Kashmir, whereby one post of Knitting Instructor was advertised and the educational qualification for the said post was prescribed as Matric with Diploma in Knitting. Therefore, one would find that there was no uniformity regarding the educational qualification, though all the advertisements were issued in a short span of time by the Board.

23. The details of qualification and status in the selection process of the parties are given hereinbelow in the tabulated form:

<b>Party</b>	<b>Qualification</b>	<b>Position in Selection process</b>
Petitioner No.1	Three Years Diploma in Textile Designing from the State Board of Technical Education	S. No.1 of the Waiting List
Petitioner No.2	Diploma in Knitting from Saraswati College of Education	S. No. 3 of the Select List
Respondent No.1	Technical Education Certificate in Knitting Trade from Knitting Trade Centre, DIC, Jammu	Participated in interview, but did not figure in any lists.
Respondent No.5	Diploma in Handloom Technology	S. No. 1 of the Select List
Respondent No.6	Diploma in Textile Technology (Spinning)	S. No. 2 of the Select List.

24. Therefore, from the above, it is seen that the qualifications of the candidates were either deficient in the required educational standards or found to be invalid due to issues with Institutions from which they were obtained.

25. At this juncture, an important point having bearing on the eligibility criteria for the post in question needs attention that till the time

selection was made, no statutory Recruitment Rules were in place, however, the assertion of the Petitioners is that the Department had followed the draft Recruitment Rules. But again, the draft Recruitment Rules prescribed minimum qualification for direct recruitment to the post of Knitting Instructor as, 10+2 with Diploma in Knitting/ Textile from a recognized Institution/ ITI. It is also correct that the notification issued by the Board, by way of clarification being No. DIP/K-2870, was conforming to these draft Recruitment Rules.

26. When one reads the purported clarificatory notification issued by the Board in conjunction with the draft Recruitment Rules issued by the Department of Industries and Commerce, at first blush, the stand of the Petitioners appears to be convincing and also appealing. Nevertheless, the issue that requires consideration is that as to whether the Board has genuinely intended to consider solely those candidates who satisfied the qualification as prescribed under the draft Recruitment Rules.

27. Advantageous reference, in this regard, may be made to Paragraph No.15 of the impugned Order of the Tribunal, wherein it has been observed that the Respondent-Yogal holds a Diploma in Handloom Technology, the diploma of Respondent-Rahul Sharma is with regard to Textile Technology (Spinning), the Respondent-Arshad Bano has acquired the Diploma from Saraswati College of Education, Delhi, which is not a recognized Institute, and the Respondent No.7-Sapna Devi is having Diploma in Textile Designing and, therefore, not eligible for being appointed as Knitting Instructor.

28. At this stage, we take a pause and refer to WP (C) No. 1670/2023, where the Board, in Paragraph 1 (d), had specifically asserted that the issue of consideration of Diploma courses like Diploma in Knitting/ Textile/ Handloom for the post in question was considered and it was decided by the JKSSB that the Diploma in Handloom Technology, Knitting from recognized Institute/ ITI shall be considered for the post of Knitting

Instructor. True to the assertion of the Board in its Petition-WP (C) No. 1670/2023 and, as observed by the Tribunal in the impugned Order, the selected candidate-Respondent No.5 (Yogal), under OM category at S. No.1, has been possessing Diploma in Handloom Technology. Similarly, though the Petitioner-Arshad Bano was selected and shown at S. No.3 of the Select List, but in the remarks column, it has been mentioned that the recommendation is withheld and is subject to clarification with regard to validity of Diploma and the same observation has been made by the Tribunal also that said candidate had acquired the Diploma from the Saraswati College of Education, Delhi which is not a recognized Institute. Therefore, it is established that the Board not only deviated from the recruitment criteria prescribed under Advertisement Notification, but also not adhered to the draft recruitment Rules, as such plea of the petitioners that no criteria was changed midway is not tenable.

29. It is noteworthy that neither any clarification nor any notification is placed on record showing that, while aligning the educational qualification for the post of Knitting Instructor with the draft Recruitment Rules, Diploma in Handloom Technology, was added/ incorporated, therefore, we are in agreement with the findings of the Tribunal that the Board did not clarify the recruitment criteria by aligning the same even with the draft Recruitment Rules, but incorporated a qualification which neither finds its mention in the advertisement notification nor in the draft Recruitment Rules, so much so, same is also not notified to the knowledge of all and sundry. Therefore, changing the criteria midway or after the selection process amounts to arbitrary and discriminatory action, being violative of the constitutional principles of equality enshrined under Articles 14 and 16 of the Constitution.

30. Here, we are confronted with a case where the selection process involves blatant violations that vitiates it *ab initio* such as inclusion of patently ineligible candidates, therefore, in such a situation, estoppel by

participation in the selection process would not come in the way of Respondent No.1 in questioning the selection process which is marred by glaring procedural irregularities, *mala fides*, inasmuch as violates constitutional provisions palpably apparent on the face of the selection process.

31. The un-notified draft Recruitment Rules even cannot be made the basis for the selection and recruitment against a substantive post. Once the Petitioners have themselves relied upon three advertisement notifications issued by the Board for recruitment to the post of Knitting Instructor, wherein the qualification prescribed was not in line with the draft Rules, inasmuch as finally a qualification which even was not mentioned in the draft Recruitment Rules was taken into consideration, in that event, the plea of the Petitioners that the recruitment was made as per the draft Recruitment Rules is also bereft of legal sanctity because such un-notified draft Recruitment Rules legally cannot override the educational qualification or the criteria of selection as notified in the advertisement notification. Once it is shown that the selected candidates possessed the qualification not prescribed by draft Recruitment Rules, in that event, we have no hesitation in holding that the Board never intended to apply their draft Rules in making recruitment to the post in question. Therefore, the whole selection process is vitiated, being invalid *ab initio*.

32. In the case on hand, the successful candidate possessed the qualification which is neither borne out from the advertisement notification nor prescribed by the draft Recruitment Rules, so much so, same is also not published, therefore, there was no occasion for the unsuccessful candidate to know the criteria of selection, thus, such an unsuccessful candidate cannot be shut out from challenging the process of selection. We are fortified in our view by the judgement of Hon'ble Supreme Court rendered in '**Ramjit Singh Kardam & Ors. V. Sanjeev Kumar & Ors., (2020) 20 Supreme Court Cases 209**', wherein held:

“45. The Division Bench of the High Court is right in its conclusion that the selection criteria, which saw the light of the day along with declaration of the selection result could be assailed by the unsuccessful candidates only after it was published. Similarly, selection process which was notified was never followed and the selection criteria which was followed was never notified till the declaration of final result, hence, the writ petitioners cannot be estopped from challenging the selection. We, thus, hold that the writ petitions filed by the petitioners could not have been thrown on the ground of estoppel and the writ petitioners could very well challenge the criteria of selection applied by the Commission, which was declared by the Commission only at the time of declaration of the final result. We, thus, answer Points 1 and 2 as follows:

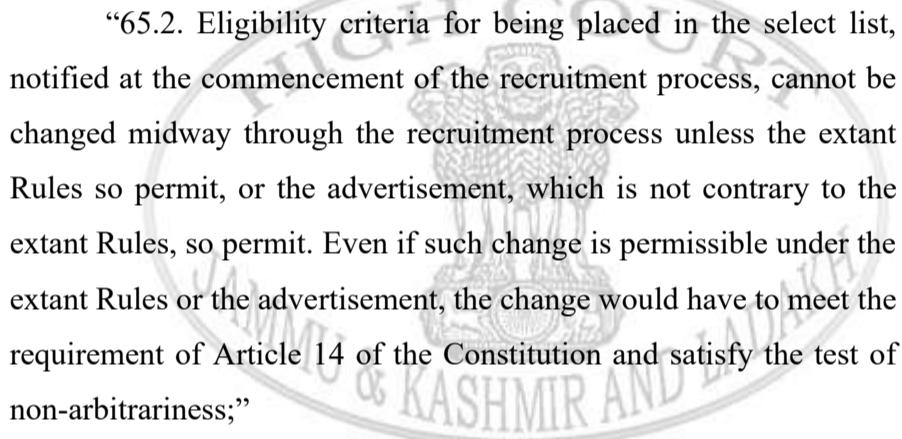
45.1. The writ petitioners, who had participated in the selection are not estopped from challenging the selection in the facts of the present case.

45.2. The writ petitioners could have very well challenged the criteria of selection, which was declared by the Commission only in the final result declared on 10-4-2010.”

33. Reference on the above proposition can also be made to what has been observed by the Hon’ble Supreme Court in ‘**Dr. (Major) Meeta Sahai v. State of Bihar & Ors., (2019) 20 Supreme Court Cases 17**’ and relevant para reads as follows:

“17. However, we must differentiate from this principle insofar as the candidate by agreeing to participate in the selection process only accepts the prescribed procedure and not the illegality in it. In a situation where a candidate alleges misconstruction of statutory rules and discriminating consequences arising therefrom, the same cannot be condoned merely because a candidate has partaken in it. The constitutional scheme is sacrosanct and its violation in any manner is impermissible. In fact, a candidate may not have locus to assail the incurable illegality or derogation of the provisions of the Constitution, unless he/she participates in the selection process.”

34. Coming to the point that as to whether selection criteria can be changed midway or after the selection is over, the law in this regard is well settled by series of the Judgments right from '**Om Prakash Shukla v. Akhilesh Kumar Shukla, 1986 Supp SCC 285**' to '**Madan Lal & Ors. V. State of J&K and Ors., (1995) 3 Supreme Court Cases 486**' and upto the latest judgment of 5-Judge Constitution Bench of the Hon'ble Supreme Court passed in '**Tej Prakash Pathak & Ors. v. Rajasthan High Court & Ors., (2025) Supreme Court Cases 1**', wherein, after taking note of the earlier decisions, the Hon'ble Supreme Court summed up as follows:

The seal of the Supreme Court of India, featuring a central figure and the text "SUPREME COURT OF INDIA" and "1950".

“65.2. Eligibility criteria for being placed in the select list, notified at the commencement of the recruitment process, cannot be changed midway through the recruitment process unless the extant Rules so permit, or the advertisement, which is not contrary to the extant Rules, so permit. Even if such change is permissible under the extant Rules or the advertisement, the change would have to meet the requirement of Article 14 of the Constitution and satisfy the test of non-arbitrariness;”

35. In view of the above discussion and legal position on the subject, we are of the opinion that in view of the palpable illegality committed by the Board in adding qualification clandestinely midway the selection process, in that event, the selection and appointment of the Petitioners was a nullity in the eyes of law and, thus, we also hold that no midway change doctrine is applicable to the case on hand on all fours, therefore, the selection being not only outcome of *mala fide*, but also fails the test of non-arbitrariness under Articles 14 and 16 of the Constitution

36. Therefore, we have no hesitation in holding that the illegality and mischief is so discernible and widespread, affecting the result, so as to make it difficult to pick out the candidates who have been unlawfully benefitted or wrongly deprived of their selection, it will neither be possible nor necessary in the present proceedings to thrash the legality of those select lists which are not before us because the challenge is *in personam* and not in

*rem*, therefore, we leave it to the competent authority to look into the matter in view of our observations and to take remedial steps within the contours of law.

37. Viewed from any angle, we do not find any illegality or perversity in the impugned Order and Judgment passed by the Tribunal. The same is, thus, upheld. Accordingly, both these Writ Petitions shall stand **dismissed**, along with pending CM(s), if any. Interim direction(s), if any, shall stand vacated.

38. Registry to place a copy of this Judgment across both these files.

**JAMMU**

17<sup>th</sup>, February, 2026  
"TAHIR"

**(SHAHZAD AZEEM)**  
JUDGE

**(SINDHU SHARMA)**  
JUDGE

i. Whether the Judgment is approved for reporting? Yes.