

Present:-

THE HON'BLE MR. JUSTICE SUNIL HALI-J

SWP NO.1265/2007, CMP NO.442/2008, CMP NO.1769/2007

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1. Rajesh Kumar, age ( 39)  
S/o Sh. Krishan Chand Basotra  
R/o Dhan Parnala Billawat
2. Rajeev Mangotra, age ( 41)  
S/o Sh. Brij Mohan Mangotra  
R/o 284-A, Gandhi Nagar Jammu
3. Inderjeet Singh, age ( 39)  
S/o Sh. Rishi Raj Parihar  
R/o Village Mata Kishtwar
4. S.Paramjit Singh, age ( 39)  
S/o S.Bachan Singh  
R/o Gole Gujral Jammu
5. Gopal Singh , age ( 40)  
S/o Sh. Amarnath  
R/o Village Bhagtha Udampur
6. Vijay Kumar, age ( 39)  
S/o Sh. Sita Ram,  
R/o Dharinkhoo P.O. Bharota Jammu
7. Rattan Lal Dogra, age ( 54)  
S/o Sh. Gian Chand Dogra  
R/o Royal Bishnah
8. Kunal Sharma, age ( 35)  
S/o Sh. Madan Mohan Sharma  
R/o 184-A, Gandhi Nagar Jammu



(1)

Total (5) leaves

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21/11

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Ram Lal Sharma, age ( 43)

W/o Sh. Laddu Ram

R/o P.O. Garhkhal Akhnoor Distt. Jammu

...Petitioners

V/s

State of Jammu and Kashmir

through

Commissioner/ Secretary Govt. of J&K,

Revenue Department, J&K, Srinagar.

Financial Commissioner (Revenue)

Govt of Jammu and Kashmir, Srinagar.

Commissioner/Secretary

Govt. Revenue Department, Govt. of J&K, Srinagar.

Jammu and Kashmir Public Service Commission

through

Secretary Srinagar.

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..Respondents

Handwritten signature and date: 21/2/11

SWP No. 1265/2007, CMP No. 442/2008, CMP  
No 1769/2007.

**Appearing counsel.**

M/s Rahul Bharti and S.K.Shukla, Advocates for the  
petitioners.

Mr. A.H.Qazi, AAG for respondents 1 to 3.

Mr. D.C.Raina. Sr. Adv. with Mr. F.A.Natnoo, Advocate  
for respondent no.4.

With the consent of learned counsel for the parties,  
this petition is taken up for final disposal at admission  
stage.

The grievance of the petitioners in this writ petition  
is that they are confirmed Naib Tehsildars in J&K  
Revenue (Subordinate) Service and had participated in  
the Departmental Examination for the purpose of  
seeking their promotion as Tehsildars. The examination  
to the said post was required to be conducted in terms of  
Jammu and Kashmir Departmental Examination  
(Tehsildars) Rules, 1979 and Jammu and Kashmir  
Revenue (Subordinate) Service Rules, 1973.

Vide SRO 339 dated 07.10.2003, new  
Departmental Examination Rules known as Jammu and  
Kashmir Revenue Service (Executive) Departmental  
Examination Rules, 2003 were promulgated. Rule 10  
deals with repeal and saving clause and as per proviso  
to the said rule, it is provided that a candidate having  
partially qualified the Tehsildari or Naib Tehsildari  
Examination shall appear, in the papers (not qualified)

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under these rules, as per equivalence to be worked out. What rules imply is that the Government will work out the equivalence and in case petitioners are found to qualify the Examination on the basis of such equivalence, they would be deemed to have qualified under the new rules. As per Annexure-A to the writ petition schedule of equivalence has been prepared. What this schedule implies is that if the petitioners have qualified the said Naib Tehsildari Examination A, B, C/1, C/2, C/3 and D of the Naib Tehsildari syllabus, they are deemed to have qualified under the new rules except Paper-8 of Tehsildari Departmental Examination, which the petitioners are required to qualify. The petitioners are stated to have qualified it in year 2004. It is further contended that the petitioners have qualified paper-VI of the new rules.

The contention of the respondents is that the petitioners have not participated and passed Urdu paper, as such, on this ground they are not declared to have qualified under the said rules.

Urdu is referred at Paper-VIII of Part-III of the syllabus for J&K Revenue Services Departmental Examination Rules, 2003 issued under SRO 339, which is not required to be qualified by the petitioners. The said paper is required to be qualified only by the incumbents who sit in the Examination for the first time after the promulgation of Rules of 2003 referred to above.

In view of the above, this writ petition is allowed by directing that the petitioners are not required to qualify the Urdu paper, which does not find place in the schedule of equivalence. Going by the schedule of equivalence prepared by the Government as per Annexure-A to the writ petition under the new rules, the petitioners shall be deemed to have qualified the

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Tehsildari Departmental Examination under the new rules in view of the proviso of Rule 10 of the said rules and their seniority has to be maintained accordingly. The paper of Urdu, which came to be prescribed for the first time in the new rules without its reference in the schedule, is required to be passed only by such candidates who take the Tehsildari Departmental Examination for the first time after the promulgation of Rules of 2003.

Disposed of along with connected CMP(s).

Sd/- Hon'ble  
(Sunil Hali)  
Judge

Jammu.  
07.12.2010  
'Madan'

540.  
08-02-11  
F. A. Nathoo Adv.  
Rs 10/2  
21-02-11

25-2-11  
Rs 10/2  
Sanjeev K. Sharma  
Ph. Sh.

Verified by  
High Court of Jammu and Kashmir  
Dated the 21-02-11  
Authorized by Section 75 of the  
Punjab Act.  
21/2/11  
23/2/2011

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7/2/11  
B. B. B.