

ITEM NO.14      Court 6 (Video Conferencing)      SECTION XVI-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 4286/2021

(Arising out of impugned final judgment and order dated 27-11-2020 in LPASW No. 39/2019 passed by the High Court Of Jammu&kashmir At Srinagar)

STATE (NOW UT) OF JAMMU AND KASHMIR & ORS.      Petitioner(s)

VERSUS

ULFAT ARA & ORS.      Respondent(s)

(FOR ADMISSION and I.R. and IA No.36339/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.36344/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 17-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s)      Ms. Taruna Ardhendumauli Prasad, AOR  
   Mr. Parth Awasthi, Adv.

For Respondent(s)      Mr. Firdouse Qutb Wani, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Applications for exemption from filing C/C of  
the impugned judgment and exemption from filing  
affidavit are allowed.

Learned counsel for the petitioners contends  
that the impugned judgment would amount to giving  
regularization even where no vacancy exists. She  
submits that judgment in *Rabia Shah vs. State of  
Jammu & Kashmir & Ors.* has been distinguished in

the case of *Suhail Maqbool Dar vs. State of Jammu & Kashmir & Ors.*, (Srinagar Bench), SWP No. 2127/2016, even though the special leave petition in Rabia Shah's case (*supra*) was dismissed.

Issue notice.

Learned counsel for the respondent No.39 accepts notice. Remaining respondents be served *dasti* as well.

In the meantime, we direct that the regularization would take effect in terms of the impugned judgment for the existing vacancies. The effect is that if sufficient number of vacancies exists, all the respondents will be beneficiaries but if there is a deficiency of vacancies, then such of the respondents who by seniority would be entitled as per the existing vacancies would get the benefit, and others would get the benefit from the date the vacancy arose. The result is that regularization will take place from the date of the corresponding vacancies.

Tag with SLP(Civil) No. 8720/2021.

[CHARANJEET KAUR]  
ASTT. REGISTRAR-cum-PS

[POONAM VAID]  
COURT MASTER (NSH)