

ITEM NO.13 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
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 8720/2021

(Arising out of impugned final judgment and order dated 27-11-2020 in LPA No. 148/2020 passed by the High Court Of Jammu&kashmir At Srinagar)

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

VERSUS

MOHAMMAD SYED PARREY & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.76455/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 13-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

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

For Respondent(s)

For R-15 Ms. Firdouse Qutb Wani, Adv.

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

Application for permission to file additional documents/facts/annexures 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.15 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.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)