

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No.5996/2021
(SWP No.1424/2010)

Thursday, this the 8th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Rozi Bano,
Age 21 years,
D/o Said-Ullah Khan,
R/o Village Malwas,
Tehsil & District Doda.

(Mr. Sheikh Altaf Hussain)

...Applicant

Versus

1. State of Jammu & Kashmir,
Through its Commissioner/Secretary,
Education Department,
Civil Secretariat, Jammu/Srinagar.
2. The Chief Education Officer, Doda.
3. The Zonal Education Officer, Doda.
4. The Headmaster,
Upper Primary School, Malwas,
Tehsil & District Doda.
5. Rehana Begum,
W/o Mohammad Sadiq Khan,
R/o Village Malwas,
Tehsil & District Doda.
6. Abdul Majid Wani-MLA,
53- Doda Constituency,
R/o Opp. S.P. Office,
Tehsil & District Doda.

...Respondents
(Mr. Rajesh Thappa, Deputy Advocate General)

ORDER (ORAL)



Mr. Justice L. Narasimha Reddy:

The applicant filed SWP No.1424/2010 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to quash the order dated 31.12.2009 whereby the 3rd respondent directed the 4th respondent to engage the applicant as Cook, under midday meal scheme, at Government Primary School (GPS) Malwas. She has also prayed for a direction to the respondents not to disengage her as Cook from the GPS Malwas. The applicant contends that she was working as Cook and the respondents were trying to replace her.

2. On behalf of the respondents, separate counter affidavits are filed. It is stated that the father in law of respondent No.5 has donated land for construction of school and accordingly, her name was recommended for providing a job. It is also stated that in view of an interim order passed by the Hon'ble High Court on 03.06.2010, the *status quo* is being maintained.

3. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.5996/2021.



4. Today, we heard Mr. Sheikh Altaf Hussain, learned counsel for applicant and Mr. Rajesh Thappa, learned Deputy Advocate General.

5. The applicant on the one hand and the 5th respondent on the other, are laying their claims for the same post. The record discloses that the Hon'ble High Court passed interim order directing the respondents to maintain *status quo*. As of now, the 5th respondent is said to be discharging the function as Cook. More than a decade has elapsed since then. It is not known as to whether the applicant or the 5th respondent are still interested.

6. We, therefore, dispose of the T.A., directing the 3rd respondent to look into the claims of the applicant on the one hand and the 5th respondent on the other, and pass an order, within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

July 8, 2021
/sunil/rk/