

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(C) PIL No.5/2024

Gazetted Aspirants Residents of Ladakh ...Petitioner(s)/Appellants.

Through: None.

Vs.

Union Territory of LadakhRespondent(s)

Through: None.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE

ORDER
16.10.2024

In the social media a letter addressed to the Chief Justice of this Court has surfaced seeking intervention of this Court qua the issues regarding non-recruitment to the posts of gazetted cadre in the UT of Ladakh during the last five years, thereby causing distress and uncertainty among the educated youth of Ladakh who are eagerly waiting for the opportunities to contribute to the governance and development of the region. In the said letter it is stated that failure to carry out the recruitment against the gazetted cadre posts amounts to violation of the principles of natural justice and is in direct contravention of Articles 14 and 16 of the Constitution of India.

The Registry of this Court having taken note of the said letter put up a note along with a copy of the said letter before the Hon'ble Chief Justice of this court, who directed the same to be treated as PIL and, as such, has come up before this Court for consideration.

We deem it appropriate to refer to Article 320 of the Constitution which provides that it shall be the duty of the Union and the State Public Service Commission to conduct examinations for appointments to the services of the Union and the Services of the State respectively.

Part XIII of the Jammu and Kashmir Reorganisation Act, 2019, deals with the provisions as to the Services. Section 93 of the said Act which deals with the provisions as to State Public Service Commission is reproduced as under:

“93. Provisions as to State Public Service Commission.—

(1) The Public Service Commission for the existing State of Jammu and Kashmir shall, on and from the appointed day, be the Public Service Commission for the Union territory of Jammu and Kashmir.

(2) The Union Public Service Commission, with the approval of the President, shall serve the needs of the Union territory of Ladakh.”

The representation of the petitioner is bereft of the fact whether the petitioners approached the concerned Authorities i.e., Union Public Service Commission, New Delhi, in terms of Rule 24(4)(vii) of the Writ Proceeding Rules, 1997.

Keeping in view the grievance projected, we direct impleadment of the Union Public Service Commission, New Delhi, through its Chairman, and the Union Territory of Ladakh, through its Chief Secretary, as party respondents in the writ petition. Registry to prepare the memo of parties, accordingly.

Registry to serve notice along with a copy of the paper book upon the respondents for filing their response within a period of six weeks.

A copy of this order be published through print and electronic media in the Union Territory of Ladakh for information of the aspirants.

List the matter again on 25th November, 2024.

Learned Registrar Judicial to take necessary steps for publication of the order.

(PUNEET GUPTA)
JUDGE

(TASHI RABSTAN)
CHIEF JUSTICE

Srinagar
16.10.2024
Abdul Qayoom, Secy.