

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 2030/2026

Reserved on: 10.07.2026
Pronounced on: 14.07.2026
Uploaded on: 15.07.2026
Whether the operative part or full
*judgment is pronounced: **Full***

**Ali Haider Shah, Aged 30 years,
S/o Sh. Khadim Hussain,
R/o Shah Manzil,
Near Police Station, Budhal,
Rajnagar, Tehsil Koteranka,
District Rajouri**

.... Petitioner/Appellant(s)

Through:- Mr. Sheikh Najeeb, Advocate.

V/s

**1. Union Territory of J&K
through Commissioner/Secretary
to Government, Revenue Deptt.
Civil Secretariat, Jammu**

2. Tehsildar, Koteranka

.....Respondent(s)

Through:- Mrs. Monika Kohli, Sr. AAG.

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE
JUDGMENT

1. Through the medium of the present writ petition, the petitioner seeks issuance of a writ of certiorari for quashing the action of respondent No. 2 whereby, vide e-mail dated 03.07.2026, the Scheduled Tribe Certificate (UT Format) bearing No. JK-REV-ST/2024/194254 dated 19.01.2025, issued in favour of the petitioner, has been recalled/cancelled and the petitioner's application dated 18.06.2026 seeking issuance of a Scheduled Tribe Certificate (Central Format) has been rejected. The petitioner also

seeks a writ of mandamus commanding respondent No. 2 to issue the Scheduled Tribe Certificate (Central Format) in his favour.

Brief facts:

2. The case set up by the petitioner is that pursuant to S.O. 176 dated 15.03.2024, whereby the Pahari Ethnic Group was included in the Scheduled Tribe category, he, being a member of the said community, applied before respondent No. 2 on 15.11.2024 for issuance of a Scheduled Tribe Certificate. Along with the application, the petitioner furnished all requisite documents in support of his claim. Upon consideration of his application, respondent No. 2 issued a Scheduled Tribe Certificate (UT Format) bearing No. JK-REV-ST/2024/194254 dated 19.01.2025 in favour of the petitioner.

3. It is further pleaded that the petitioner thereafter submitted an application dated 18.06.2026 seeking issuance of a Scheduled Tribe Certificate in the Central Format. According to the petitioner, respondent No. 2, instead of issuing the certificate, vide e-mail dated 03.07.2026 rejected the application on the ground that, as per the report of the Patwari Halqa, the petitioner was a resident of District Reasi and was, therefore, not eligible. By the same communication, respondent No. 2 also recalled/cancelled the Scheduled Tribe Certificate (UT Format) earlier issued in his favour.

4. Aggrieved of the same, the petitioner has invoked the writ jurisdiction of this Court, *inter alia*, contending that respondent No. 2 lacked the authority under law to cancel the Scheduled Tribe Certificate once issued

and that the impugned action has been taken without issuing any notice or affording him an opportunity of being heard, thereby violating the principles of natural justice. It is also contended that there is no allegation of fraud or misrepresentation against the petitioner so as to justify cancellation of the certificate.

5. It is further pleaded that the petitioner had applied for various public posts under the Scheduled Tribe category on the strength of the certificate issued in his favour and that cancellation of the same has seriously prejudiced his candidature.

6. Heard learned counsel for the petitioner and perused the record.

Legal Analysis:

7. The principal question that arises for consideration in the present writ petition is whether the petitioner, without availing the statutory remedy of appeal and revision provided under the Jammu and Kashmir Reservation Act, 2004 and the Rules framed thereunder, could have directly invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India for assailing the rejection of his application for issuance of a Scheduled Tribe Certificate (Central Format) and the consequential withdrawal of the Scheduled Tribe Certificate (UT Format) earlier issued in his favour.

8. Before adverting to the contentions raised in the petition, it would be appropriate to notice the statutory scheme governing the field. The controversy in the present case is governed by the provisions of the Jammu and Kashmir Reservation Act, 2004 and the Rules framed thereunder.

Sections 16, 17 and 18 of the Act, read with Rules 23 and 25 of the Jammu and Kashmir Reservation Rules, provide a complete mechanism for grant of category certificates and redressal of grievances arising therefrom, which read as under:

“16. Issuance of Certificate. —The Competent Authority shall, within fifteen days from the date of the receipt of the application and for reasons to be recorded in writing either accept the application or reject it. On acceptance of the application, the authority shall immediately issue the requisite certificate to the applicant in the prescribed form.

17.Appeals.—(1) Any person aggrieved by an order of the Competent Authority under section 16, may, at any time before the expiry of ninety days from the date of the order, prefer an appeal to—

- (i) Deputy Commissioner, if the order appealed against is passed by an officer below the rank of Deputy Commissioner in his capacity as Competent Authority; or
- (ii) Divisional Commissioner, if the order appealed against is passed by Deputy Commissioner in his capacity as Competent Authority.

(2) The Appellate Authority shall, within 30 days from the date of receipt of the appeal, pass such orders on it as it deems fit:

Provided that no order shall be made against any person without affording him a reasonable opportunity of being heard.

18. Revision. —The Appellate Authority may, suo moto or on an application made to it, call for the records of the proceedings taken, or orders made, by any Competent Authority for purposes of satisfying itself as to the legality or propriety of such proceedings or orders and may pass such orders in reference thereto as it deems fit: Provided that no order shall be made against any person without affording him a reasonable opportunity of being heard.”

9. Rule 23 of the Jammu and Kashmir Reservation Rules, 2005, which supplements Section 16 of the Act by prescribing the procedure for issuance or rejection of a category certificate, and Rule 25 thereof, which provides for

the statutory remedy of appeal against an order of rejection passed under Rule 23, read as under:

“23. Issuance of Certificate. - The Competent Authority shall within 15 days from the date of the receipt of the application for reasons to be recorded in writing either accept the application or reject it. On the acceptance of the application, the authority shall immediately issue the requisite certificate to the applicant in Form VIII, IX, X, XI, XII, XIII, XIV, as the case may be.

25. Appeals. - (1) Any person aggrieved by an order of rejection of the Competent Authority under rule 23 may, prefer an appeal to the appellate authority under section 17 of the Act.”

10. A conjoint reading of the aforesaid provisions of the Act and the Rules framed thereunder leaves no manner of doubt that the legislature has provided a complete statutory mechanism governing the issuance of category certificates and the remedies available against an order of rejection passed by the Competent Authority. While Section 16 read with Rule 23 empowers the Competent Authority to either accept or reject an application by recording reasons in writing, Sections 17 and 18 of the Act read with Rule 25 provide the statutory remedies of appeal and revision to an aggrieved person. The Act and the Rules, thus, constitute a self-contained code providing an efficacious mechanism for redressal of grievances arising out of orders passed by the Competent Authority.

11. The Hon'ble Supreme Court in *'Whirlpool Corporation v. Registrar of Trade Marks, Mumbai and others'*, (1998) 8 SCC 1, while considering the question of maintainability of a writ petition in the presence of an alternative statutory remedy, has held as under:

“14. The power to issue prerogative writs under Article 226 of the Constitution is plenary in nature and is not limited by any other provision of the Constitution. This power can be exercised by the High Court not only for issuing writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari for the enforcement of any of the Fundamental Rights contained in Part III of the Constitution but also for “any other purpose.

15. Under Article 226 of the Constitution, the High Court, having regard to the facts of the case, has a discretion to entertain or not to entertain a writ petition. But the High Court has imposed upon itself certain restrictions one of which is that if an effective and efficacious remedy is available, the High Court would not normally exercise its jurisdiction. But the alternative remedy has been consistently held by this Court not to operate as a bar in at least three contingencies, namely, where the writ petition has been filed for the enforcement of any of the Fundamental Rights or where there has been a violation of the principle of natural justice or where the order or proceedings are wholly without jurisdiction or the vires of an Act is challenged. There is a plethora of case-law on this point but to cut down this circle of forensic whirlpool, we would rely on some old decisions of the evolutionary era of the constitutional law as they still hold the field.”

12. It is a settled principle of law that where a statute creates a right and simultaneously provides complete machinery for redressal of grievances, the aggrieved person is ordinarily required to exhaust the statutory remedies before invoking the extraordinary jurisdiction of the High Court under Article 226 of the Constitution. In the present case, the petitioner has not laid any factual or legal foundation in the writ petition to bring his case within any of the aforesaid recognised exceptions. Neither is there any challenge to the vires of the statute, nor has any case of violation of fundamental rights, patent lack of jurisdiction or violation of the principles of natural justice, so as to justify bypassing the statutory remedy, been made out in the pleadings.

13. A perusal of the record reveals that the petitioner's application seeking issuance of a Scheduled Tribe Certificate (Central Format) came to be rejected by the Competent Authority on the ground that, as per the report of the Patwari Halqa, the petitioner was not eligible for the Pahari Ethnic Group category as he was found to be a resident of District Reasi. Instead of availing the statutory remedy of appeal or revision against the said order, as specifically provided under Sections 17 and 18 of the Act read with the relevant Rules, the petitioner has chosen to invoke the writ jurisdiction of this Court without even pleading any exceptional circumstance which could justify bypassing the statutory remedies available under the Act.

14. What assumes significance is that the petitioner himself has reproduced the provisions of Sections 17 and 18 of the Act in the writ petition and has acknowledged the existence of the statutory appellate and revisional remedies. Having done so, the petitioner has, in the very same petition, pleaded that no efficacious alternative remedy is available. Such pleadings are self-contradictory and cannot be countenanced.

15. This Court, in *'Bindu Singh Jamwal vs. UT of J&K and others, WP(C) No. 2588/2022, decided on 20.12.2022* held as under:

“15. The law in this regard is well settled that in face of availability of statutory and equally efficacious remedy, writ petition should not be entertained and the party concerned should be relegated to such alternative remedy. There is no whisper in the writ petition which is filed by the petitioner that he has availed alternate and efficacious remedy provided under statute nor there is any averment that case of the petitioner falls within the exceptional clause to give a right to the petitioner to bypass the alternate efficacious remedy by approaching this Court straight way.

16. It is trite law that ordinarily relief under Article 226 of the constitution of India is not available, if efficacious alternative remedy is available to any aggrieved person. Where statutory remedy is created by law, the writ petition should not be entertained ignoring the statutory dispensation. It is also a well recognized principle of law that where a right or liability is created by a statute, which provides for speedy remedy for enforcing it, the remedy provided by the said statute alone should be availed of. Undoubtedly, it is equally well settled that this canon of law is not free of exceptions and alternative remedy is not a bar to the entertaining of the writ petition filed for enforcement of any of the fundamental rights or where there has been violation of principles of natural justice or where the order under challenge wholly without jurisdiction or vires of the statute providing for alternative remedy is otherwise under challenge.”

16. In the light of the aforesaid settled principles, this Court proceeds to examine whether the petitioner has made out any exceptional circumstance warranting interference under Article 226 of the Constitution despite the availability of the statutory remedy and whether he has approached this Court with the candour expected of a litigant invoking the extraordinary writ jurisdiction of this Court.

17. A careful perusal of the record further reveals that the petitioner has not approached this Court with complete candour and has withheld material facts having a direct bearing on the controversy involved. Though the grievance projected in the writ petition is primarily directed against the e-mail dated 03.07.2026, the record placed on file discloses that the competent authority had passed reasoned orders withdrawing the Scheduled Tribe Certificate earlier issued in favour of the petitioner and rejecting his application seeking issuance of a Scheduled Tribe Certificate (Central Format). The said orders contain the reasons which constitute the

very foundation of the impugned action. However, instead of specifically assailing those orders, the petitioner has consciously confined the challenge only to the e-mail, thereby presenting an incomplete and misleading picture before this Court.

18. Equally significant is the fact that the petitioner has not placed on record a copy of the application submitted by him on 18.06.2026 seeking issuance of the Scheduled Tribe Certificate (Central Format). In the absence of the application itself, this Court is unable to examine the nature of the claim projected before the competent authority and the documents relied upon by the petitioner. The omission to place the said application on record assumes significance as it deprives this Court of examining the precise claim projected before the competent authority and, consequently, reflects lack of complete disclosure while invoking the extraordinary jurisdiction under Article 226 of the Constitution.

19. The order rejecting the application of the petitioner specifically records that, as per the report of the Patwari Halqa concerned, the petitioner was found ineligible for grant of the certificate under the Pahari Ethnic Group category as he was a resident of District Reasi. The correctness or otherwise of such factual determination necessarily involves appreciation of factual material, which falls within the domain of the statutory authorities constituted under the Act. This Court, while exercising jurisdiction under Article 226 of the Constitution, would not ordinarily undertake such an enquiry in the first instance, particularly when the statute itself provides an effective appellate and revisional mechanism.

20. A perusal of the record reveals that vide e-mail dated 03.07.2026, the petitioner was informed that the Scheduled Tribe Certificate (UT Format) earlier issued in his favour pursuant to his application dated 15.11.2024 stood recalled/cancelled. The petitioner was also advised to visit the ServicePlus portal to ascertain the reasons for the said decision. The reasons recorded by the competent authority, as reflected on the ServicePlus portal, are reproduced as under:

"The applicant applied for ST (Pahari) Central Certificate and, in support of this application, he submitted his previously issued ST (Pahari) (State) Certificate. This certificate has been reviewed. On perusal of the documents and verification through the field staff, it has been found that the applicant is not eligible for this category certificate. The certificate seems to have been issued due to a technical oversight. Hence, the certificate is now recalled and cancelled with immediate effect."

21. On the same date, i.e., 03.07.2026, the petitioner was informed that his fresh application dated 18.06.2026 seeking issuance of a Scheduled Tribe Certificate (Central Format) had been rejected and was similarly advised to visit the ServicePlus portal for the reasons recorded by the competent authority. The said reasons are reproduced as under:

"Applicant is not eligible for the said category certificate. As per the report of PH concerned, the applicant is a resident of District Reasi."

22. The aforesaid reasons, as reflected in the decisions available on the ServicePlus portal pursuant to the communications dated 03.07.2026, constitute the very foundation of the impugned action. They clearly disclose that the earlier Scheduled Tribe Certificate issued in favour of the petitioner was recalled after recording reasons and that the petitioner's fresh

application dated 18.06.2026 was independently rejected on the ground that, as per the report of the Patwari Halqa concerned, he was not eligible for the Pahari Ethnic Group category. Significantly, despite placing these reasoned decisions on record, the petitioner has not specifically challenged either of them in the present writ petition.

23. A combined reading of the aforesaid reasoned decisions leaves no manner of doubt that the competent authority did not merely recall the earlier certificate by way of a purported review, as sought to be projected in the writ petition. Rather, the certificate earlier issued in favour of the petitioner was recalled after recording reasons and the petitioner's fresh application dated 18.06.2026 was independently rejected on merits after recording his ineligibility. These reasoned decisions constitute the real foundation of the controversy before this Court.

24. The manner in which the writ petition has been drafted leaves no manner of doubt that the petitioner has consciously attempted to project an altogether different controversy before this Court. Instead of questioning the reasoned decisions available on the ServicePlus portal, which form the basis of the communications dated 03.07.2026, the petitioner has chosen to challenge only the e-mails whereby he was informed of the withdrawal of the earlier certificate and rejection of his fresh application. The obvious object of adopting such a course was to create an impression that respondent No. 2 had merely recalled an already issued certificate without authority of law, while withholding from this Court the actual reasons

forming the basis of the impugned action. Such selective challenge amounts to suppression of material facts and a clear attempt to mislead this Court.

25. It also goes without saying that the life of a category certificate cannot be presumed to continue indefinitely for all times to come. The record reveals that the petitioner applied afresh for issuance of a Scheduled Tribe Certificate (Central Format). That application was considered on its own merits and came to be rejected by a reasoned order recording that the petitioner was not eligible for the Pahari Ethnic Group category, being a resident of District Reasi. Significantly, the petitioner has not challenged the said finding. Instead, he has attempted to project the controversy as though the competent authority had merely reviewed or recalled an earlier certificate without authority of law, thereby diverting attention from the actual basis of the impugned action.

26. The inconsistencies in the pleadings do not end there. While the writ petition proceeds on the basis of a Scheduled Tribe Certificate, paragraph 7(iii) refers to an SC Certificate. More importantly, the petitioner has omitted material pleadings regarding the actual orders passed by the competent authority, has failed to produce the application forming the basis of the impugned proceedings and has selectively challenged only the communication/e-mail dated 03.07.2026. These circumstances cumulatively demonstrate that the petitioner has not approached this Court with the fairness and candour expected of a litigant invoking the extraordinary writ jurisdiction.

27. The cumulative effect of the aforesaid circumstances leaves little room for doubt that the petitioner has not approached this Court with clean hands.

Material facts have been consciously withheld, the substantive reasoned orders have deliberately not been challenged and only the forwarding e-mail communicating those orders has been questioned with a view to project an altogether different controversy before this Court. Such selective challenge was clearly intended to create an impression that the competent authority had, without jurisdiction, merely reviewed or recalled an earlier certificate, while suppressing the fact that the petitioner's subsequent application had independently been rejected by a reasoned order recording his ineligibility. Such conduct, in the considered opinion of this Court, amounts to suppression of material facts and an abuse of the process of law.

28. This Court, in *'Fareed Hussain and another v. Union Territory of Jammu and Kashmir and others'*, WP(C) No. 1510/2025, decided on 01.07.2025, while dealing with a case where the petitioners had approached the writ Court by suppressing material facts and attempting to abuse the process of law, held as under:

“09. It is well settled that the discretionary relief under [Article 226](#) of the Constitution will only be granted to the person, who comes to the Court with clean hands, which means that a party seeking judicial intervention must come to the Court in good faith without any form of deception, misrepresentation or fraud. The Court has to exercise its discretion in favour of justice, fairness and equity and will deny relief to a party, whose conduct does not fall within these principles. Hence, a person, who is found guilty of such fraudulent conduct, is not entitled to get relief under [Article 226](#) of Constitution of India.

10. The Hon'ble Apex Court in the case of [K. Jayaram and others vs Bangalore Development Authority and ors](#) reported in 2022 (12) SCC 815, has held as under:

“38. ...As per settled law, the party who invokes the extraordinary jurisdiction of this Court under [Article 32](#) or of a High Court under [Article](#)

226 of the Constitution is supposed to be truthful, frank and open. He must disclose all material facts without any reservation even if they are against him. He cannot be allowed to play “hide and seek” or to “pick and choose” the facts he likes to disclose and to suppress (keep back) or not to disclose (conceal) other facts. The very basis of the writ jurisdiction rests in disclosure of true and complete (correct) facts. If material facts are suppressed or distorted, the very functioning of writ courts and exercise would become impossible. The petitioner must disclose all the facts having a bearing on the relief sought without any qualification. This is because “the court knows law but not facts”.”

29. Once this Court arrives at the conclusion that the petitioner has invoked its extraordinary jurisdiction by suppressing material facts and presenting an incomplete factual picture, the petitioner disentitles himself to any discretionary relief under Article 226 of the Constitution. A litigant who seeks equity must come with clean hands, disclose all material facts and cannot be permitted to obtain relief by concealment or selective disclosure.

Conclusion:

30. This Court is of the considered opinion that the conduct of the petitioner was not a mere omission but a conscious attempt to mislead the Court. By deliberately challenging only the e-mail dated 03.07.2026 while withholding a challenge to the substantive reasoned orders, the petitioner attempted to project a case as though the competent authority had exercised a power of review or recall not vested in it under law. The obvious object of such selective pleadings was to invite interference under Article 226 of the Constitution and secure an interim order on an incomplete and distorted factual foundation. Such conduct strikes at the very sanctity of the writ jurisdiction and deserves to be strongly deprecated.

31. It is trite that a writ court does not ordinarily assume the role of the statutory authority or the appellate forum to examine disputed questions of fact or determine the eligibility of a person for issuance of a category certificate in the first instance, particularly where the statute itself provides a complete mechanism for adjudication of such disputes. The grievance of the petitioner, including all questions relating to his eligibility and the correctness of the findings recorded by the competent authority, can appropriately be examined by the appellate or revisional authority in accordance with the statutory scheme.

32. Consequently, the present writ petition deserves dismissal on two independent grounds. Firstly, the petitioner has failed to avail the efficacious statutory remedy of appeal and revision available under the Jammu and Kashmir Reservation Act, 2004. Secondly, the petitioner has failed to approach this Court with clean hands by suppressing material facts and presenting an incomplete factual picture. However, notwithstanding the dismissal of the present writ petition, the petitioner shall be at liberty to avail the statutory remedy of appeal and/or revision before the competent authority, if so advised, in accordance with law.

33. In the event the petitioner prefers an appeal or revision against the impugned orders, the competent appellate/revisional authority shall consider the same, including the question of limitation, strictly in accordance with law and on its own merits, without being influenced by the observations made in this judgment on the merits of the claim of the

petitioner, while also taking into consideration the period during which the present writ petition remained pending before this Court.

34. Before parting, this Court considers it necessary to observe that a litigant invoking the extraordinary and equitable jurisdiction under Article 226 of the Constitution is under a solemn obligation to make a full, fair and candid disclosure of all material facts. The petitioner, instead of doing so, deliberately withheld the substantive orders forming the foundation of the impugned action from challenge, selectively questioned only the forwarding e-mail and attempted to portray an altogether different case with a view to invite interference by this Court. Such conduct amounts to an abuse of the process of law and warrants imposition of exemplary costs. Accordingly, the writ petition is dismissed with costs quantified at Rs.10,000/-, which shall be deposited by the petitioner with the Registry of this Court within a period of four weeks from today.

35. Registry is directed to list this matter immediately upon the expiration of the stipulated period of four weeks only for the purpose of placing on record the information by way of a compliance index, verifying whether the order passed by this court to the extent of deposition of the costs has been complied with or not.

(Wasim Sadiq Nargal)
Judge

Jammu:

14.07.2026

Nikhil

Whether judgment is speaking: Yes
Whether judgment is reportable: Yes/No