

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

Reserved on: 30.09.2026

Pronounced on: 09.10.2026

Uploaded on: 12.10.2026

Whether the operative part or full

*judgment is pronounced: **Full***

WP(C) No.782/2023

MST. SAKEENA BANOO

...PETITIONER(S)/APPELLANT

Through: - Mr. Rizwan Bhat, Advocate

Vs.

UT OF J&K AND OTHERS

...RESPONDENT(S)

Through: - Mr. T. A. Lone, Dy. AG.

CORAM: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

JUDGMENT

1) In response to advertisement notification dated 18.01.2023 for engagement as "Aayas/Helpers" for various schools including Primary School Jabda, the petitioner applied for the post of Aaya/Helper. A tentative select list was prepared wherein the petitioner figured at serial No. 12. Thereafter, corrigendum dated 17.02.2023 was issued by respondent No.3, whereby, in place of petitioner, respondent No.4 was shown to have been selected for the post of helper/Aaya at PS Jabda.

2) The petitioner, being aggrieved by the corrigendum dated 17.02.2023, assails the same on the ground that her

tentative selection was erroneously cancelled on the premise that she was under 18 years of age as on 01.01.2023. In fact, the Chairman of the Medical Board had issued an age determination certificate declaring her to be 23 years of age. Furthermore, the annual income of the petitioner does not exceed ₹50,400/-, whereas that of Respondent No. 4 stands at ₹74,000/-. Consequently, the petitioner possessed a superior claim and ought to have been preferred over Respondent No. 4.

3) The official respondents have filed their reply, submitting that pursuant to Advertisement Notification dated 18.01.2023, four candidates, including the petitioner and Respondent No. 4, applied for the post of Aaya/Helper at Primary School (PS) Jabda prior to the cut-off date of 28.01.2023. Pursuant to order dated 08.02.2023, a three-member Scrutiny and Selection Committee, comprising a Headmaster, a Master, and a Teacher, was constituted to evaluate the applications in accordance with guidelines issued by the Director, Samagra Shiksha, vide Order No. 07 of CHIRAG-2023 dated 09.01.2023. Under the said guidelines, priority was to be accorded to the candidate with the lowest annual income, as verified by the concerned Tehsildar. Accordingly, the committee initially published a tentative selection list naming the petitioner as the

WP(C) No.782/2023

provisionally selected candidate for PS Jabda and invited public objections. Upon publication, an objection was submitted challenging the petitioner's provisional selection on the ground that she was underage. Upon re-examination, the committee noted that while the petitioner had recorded her date of birth as 15.05.2003 in her application form, her 8th-standard qualification certificate reflected her actual date of birth as 04.03.2005. Under the applicable guidelines of 09.01.2023, candidates were required to have attained 18 years of age as of the first day of the calendar year, i.e., 01.01.2023. Calculating from her qualification record, the petitioner was determined to be 17 years, 9 months, and 28 days old as of 01.01.2023, rendering her ineligible. Consequently, the official respondents issued a corrigendum cancelling the petitioner's tentative selection and provisionally selecting Respondent No. 4, who held the lowest annual income among the remaining eligible candidates.

4) Heard and perused the record.

5) The learned counsel for the petitioner vehemently contended that, in view of the certificate issued by the Medical Board assessing the petitioner's age at 23 years, her selection ought to have been sustained. However, this

contention pales into insignificance when weighed against the documentary evidence on record i.e., the provisional-cum-discharge certificate issued by the Headmaster, Government High School, Nagasari, Kalaroos, wherein the petitioner's date of birth is explicitly recorded as **04.03.2005**. It is a settled position of law that where a school discharge certificate based on official academic records is available, a medical opinion cannot be relied upon to determine a candidate's age. Consequently, the official respondents acted well within their authority in issuing the corrigendum dated 17.02.2023, and the same suffers from no legal or factual infirmity. It is pertinent to note that in her application form, the petitioner recorded her date of birth as **15.05.2003**; however, this assertion remained wholly uncorroborated by any educational or requisite qualification certificate.

6) In view of the above, this writ petition is found to be without any merit and the same is dismissed accordingly. Record be returned to Dy.AG.

(Rajnish Oswal)
Judge

SRINAGAR

09.10.2026

"Bhat Altaj-Szegy"

Whether the **judgment** is reportable: **NO**