



NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CIVIL APPEAL NOS. OF 2026
(Arising out of SLP(C) Nos.9462-9463 of 2026)

IRFAN AHMAD HAKAK

...Appellant (s)

Vs.

**UNION TERRITORY OF JAMMU AND KASHMIR
& ORS.**

...Respondent (s)

J U D G M E N T

SHREE CHANDRASHEKHAR, J.

Leave granted.

2. Irfan Ahmad Hakak, who was an applicant for the post of Librarian under the Law Department, has laid a challenge to the judgment pronounced by the High Court of Jammu & Kashmir and Ladakh at Srinagar on 10th July 2025 by which the Division Bench of the High Court interfered with the decision of the Central Administrative Tribunal in T.A. No. 62/3748 of 2021 and held that the requirement of 3 years' experience is directly related to the educational qualification of M.Lib for the post of Librarian and such experience can be acquired by a candidate only after having the qualification of M.Lib. The appellant preferred R.P. No. 67 of 2025 seeking review of the judgment dated 10th July 2025 on the ground that certain decisions of the Coordinate Bench of the High Court and the judgment of the Supreme Court in *"Anil Kumar Gupta & Ors. v. Municipal*

*Corporation of Delhi & Ors.*¹ were not considered by the Division Bench in the right perspective. However, the said review petition was dismissed by an order dated 27th December 2025 and the appellant has now laid a challenge to the decisions dated 10th July 2025 and 27th December 2025.

3. The aforesaid decisions of the High Court bring to the fore a question in law as to whether any ambiguity or vagueness in the eligibility criterion in the Advertisement can be clarified by the Court or the Employer.

4. The facts of this case are briefly summarised thus:

An advertisement *vide* Advertisement Notice No. 01 of 2014 was issued on 13th August 2014 by the Services Selection Board inviting applications for appointment on 838 State, Divisional and District cadre posts. The records produced before this Court reveal that about 282 State cadre posts were advertised *vide* Annexure B-I and one of such posts was the post of Librarian for which the prescribed qualification was Graduation with M.Lib having 3 years' experience. It is stated that Murad Hussain Shah was selected for the post of Librarian in the open merit category but he did not participate in the document verification, rather gave an affidavit that he was not interested in joining the post of Librarian. The General Administration Department of the Government of Jammu & Kashmir, therefore, made a request to the Services Selection Board to make a recommendation in favor of the appellant who was the first wait listed candidate for his appointment to the post of Librarian.

5. The appellant has to his credit a degree of M.LIS which was a 2-year integrated Master's program in Library and Information Science and there is no dispute that the appellant has the requisite educational qualification.

¹ Anil Kumar Gupta & Ors. v. Municipal Corporation of Delhi & Ors. : (2000) 1 SCC 128

The said course had started in March 2010, the course was completed by November 2011, and the final examinations were held in March 2012. He worked as an Assistant Librarian in the Lake City College of Education from 1st October 2011 to 30th September 2012 and gained requisite experience for one year. He further worked as Junior Professional Assistant in the Departmental Library under the University of Kashmir from 4th October 2012 till 15th November 2014. This is an admitted position that the experience acquired by a candidate while working as Assistant Librarian and Junior Professional Assistant shall be the requisite experience as advertised under the Advertisement Notice No. 01 of 2014.

6. But what has been disputed by the respondents is the experience gained by the appellant as Assistant Librarian when he was pursuing the course in M.LIS. Initially the General Administration Department seems to have accepted the experience gained by the appellant at the Lake City College of Education. It further appears that the University of Kashmir communicated the course timings to the Services Selection Board and the Division Bench of the High Court noted that the students were not required to attend the classes to complete the project and they had to submit the report to the concerned supervisor. The General Administration Department again made a request *vide* communication dated 26th February 2020 to the Services Selection Board to release the recommendation in favor of the appellant and a recommendation was duly made in his favor. But about 7 months thereafter, the General

Administration Department took a decision as reflected in the letter dated 8th December 2020 that the appellant cannot be appointed on the post of Librarian. Constrained, the appellant approached the writ Court in W.P(C) No. 160/2021 laying a challenge to the communication dated 8th December 2020. The writ petition was transferred to the Central Administrative Tribunal, Srinagar Bench and was re-numbered as T.A. No. 62/3748 of 2021. The Tribunal accepted the challenge made by the appellant to the communication dated 8th December 2020 and issued a direction to the respondents to offer the post of Librarian to him and to give him all consequential service benefits like seniority and pay fixation from the date when the last candidate was appointed. The respondents challenged the said decision of the Tribunal primarily on the ground that the experience acquired by the appellant as Assistant Librarian was not valid because he was pursuing M.LIS course during that period.

7. Before the Division Bench, the respondents relied on the advice of the Advocate General who had rendered an opinion that the experience gained by the appellant while pursuing M.LIS course cannot be treated as the requisite experience under the Jammu & Kashmir Medical Education (Gazetted) Service Recruitment Rules, 1979. However, the argument advanced on behalf of the respondents based on the opinion of the Advocate General was not accepted by the Division Bench. But the matter did not conclude at that stage and the Division Bench proceeded to examine whether the experience criterion under the Advertisement has direct nexus with the educational qualification of M.LIS and held that the

experience of 3 years as required under the Advertisement has a direct nexus to acquiring the qualification of M.LIS so as to become eligible for the post of Librarian. The Division Bench of the High Court referred to the decisions in “*Anil Kumar Gupta*”¹, “*Sheshrao Jangluji Bagde v. Bhaiyya*”², “*Shailendra Dania v. S.P. Dubey*”³ and “*K.K. Dixit v. Rajasthan Housing Board*”⁴ and held that the requisite experience can be gained by a candidate only after obtaining the requisite educational qualification. The Division Bench reiterated this view in the review petition filed by the appellant and dismissed R.P. No. 67 of 2025.

8. In our opinion, the Division Bench undertook an exercise which normally should be conducted by the employer. At no point in time an issue was raised by the respondents that the experience obtained by the appellant as the Assistant Librarian was not the requisite experience as envisaged under the Advertisement. Secondly, the prescribed qualification under the Advertisement was in fact not clear, rather quite vague. The Advertisement did not qualify “3 years' experience” of either having worked as Librarian or Library Assistant or on a similar post irrespective of the nomenclature. As the post of Library Assistant which was also advertised through the Advertisement Notice No. 01 of 2014 requires a qualification of Graduation with B.Lib, a candidate could have gained experience while working on such post and qualified for the post of Librarian. But the respondents did not make any effort to clarify the ambiguity and

² Sheshrao Jangluji Bagde v. Bhaiyya : 1991 Supp (1) SCC 367

³ Shailendra Dania v. S.P. Dubey : (2007) 5 SCC 535

⁴ K.K. Dixit v. Rajasthan Housing Board : (2015) 1 SCC 474

vagueness in the prescribed qualification in the Advertisement. While so, any ambiguity or vagueness in the prescribed qualification should be construed to the benefit of the candidate who *prima facie* appears to possess the requisite qualifications. The Division Bench clearly fell in error in expanding the scope of the dispute brought before it and held the appellant ineligible for appointment to the post of Librarian, whereas he is clearly entitled to seek appointment as the Librarian.

9. In the result, the decision dated 10th July 2025 in W.P. No. 115 of 2024 and the decision dated 27th December 2025 in R.P. No. 67 of 2025 passed by the High Court of Jammu & Kashmir and Ladakh are, therefore, set aside and the decision of the Tribunal in T.A. No. 62/3748 of 2021 is affirmed to the extent that the respondents were directed to offer the post of Librarian to the appellant. However, we are inclined to interfere with the direction issued by the Tribunal to the effect that the appellant shall be given all consequential service benefits like seniority and pay fixation from the date when the last candidate was appointed pursuant to Advertisement Notice No. 01 of 2014.

10. These Civil Appeals are allowed in the aforesaid terms. There shall be no order as to costs.

.....J.
(PRASHANT KUMAR MISHRA)

.....J.
(SHREE CHANDRASHEKHAR)

**NEW DELHI;
OCTOBER 05, 2026.**