

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

**CM(3433/2025) In WP(C) 2762/2024
c/w WP(C) 2864/2024
WP(C)2882/2024
WP(C) 2886/2024
WP(C) 2908/2024**

Zahoor Ahmad Bhat and Ors.

...Petitioner(s)

Through: Mr. M.Y. Bhat, Sr. Advocate with
Mr. A.N. Parray, Advocate
Mr. Zahoor Ahmad Bhat, present in person.

Vs.

Union Territory of J&K and Ors.

...Respondent(s)

Through: Mr. Ab. Rashid Malik, Sr. AAG with
Mr. Mohd Younis Hafiz, Assisting Counsel
Mr. Numan Zargar, Advocate

CORAM:

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE.**

ORDER

14.07.2025

01. In these petitions, filed under Article 226 of the Constitution of India, the petitioners have, *inter alia*, challenged the vires of Rules 4, 5, 13, 15, 18, 21 and 23 of the Jammu and Kashmir Reservation Rules, 2005, as amended vide SO 176 dated 15th March, 2024, SO No. 127 20th April, 2020 and SO 305 dated 21st May, 2024.

02. All these petitions have proceeded on the assumption that Section 3 of the Jammu and Kashmir Reservation Act, 2004, mandates the Government to collect the requisite data with regard to adequate representation of a

reserved category in the Government, whereas a plain reading of Section 3 clearly suggests that, for working out the extent reservation in favour of a particular reserved category, the Government is required to take into consideration the total population of said reserved category and the total population of the union Territory so as to ensure that the percentage of reservation does not exceed the percentage that such category bears to the total population.

03. Mr. M.Y. Bhat, learned senior counsel appearing for the petitioners, would submit that if Section 3 of the Jammu & Kashmir Reservation Act, 2004, is understood in this manner, the same would be violative of Article 16(4) of the Constitution of India. On being confronted with the position that in none of the petitions has he challenged Section 3 of the Reservation Act, 2004, Mr. M. Y. Bhat, learned senior counsel for the petitioners, was quick to pray for leave of this Court to withdraw all these petitions except WP(C) No. 2864/2024, with liberty to come up with a fresh petition throwing challenge to some of the provisions of the Jammu & Kashmir Reservation Act, 2004, in particular Section 3 thereof.

04. Statement of learned counsel for the petitioners is taken on record. All these petitions except WP(C) No. 2864/2024, are **dismissed** as withdrawn, with liberty as prayed for.

WP(C) No. 2864/2024:-

List again on 23.07.2025.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

14.07.2025

"Mir Arif"

