

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**T.A. No. 62/34/2021**

This the 05th day of January, 2021



**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)**

1. Aaqib Mubark aged 22 years, S/o Mubarak Ahmad Malik, R/o Chirhama, Anantnag.
2. Peerzada Mohd Idrees aged 23 years, S/o Mushtaq Ahmad, R/O. S.K. Colony, Anantnag

.....Applicant

(Advocate:Mr. S.N. Ratnapuri)

**Versus**

1. State of Jammu and Kashmir through Comm/ecy to Govt, health & Medical Education Department, Civil Secretariat, Srinagar.
2. Principal Govt. Medical College (MMBH) Anantnag.

.....Respondents

(Advocate: Mr. Amit Gupta, Id. A.A.G.)

**O R D E R**

**[O R A L]**

The present TA has been received by way of transfer from the Court of Sub-Judge, Anantnag. The applicants seek following reliefs:-

“I. Decree of declaration and injunction commanding the defendants to conclude the selection process for the post of Theatre Assistant vide advertisement notification and short list criteria issued by the defendant 2 vide Annexure, I, II & III and declare them entitled to



seek appointment against the two posts of Theatre Assistants on the basis of their merit and required qualification.

II. Decree of Injunction commanding the defendants to issue formal appointment orders in favour of the plaintiffs in terms of the merit list/short list for the posts of Theatre Assistant on contained in Annexure-III, without changing the criteria as already adhered to and allow them to join against the posts without putting them to any further examination.

III. Injunction restraining the defendants from changing the selection criteria for the post of Theatre Assistant vide advertisement notification as contained in Annexure-A.

IV. And any other appropriate relief as this Hon'ble Court may deem fit and proper may also be passed in the circumstances of the case in favour of the plaintiffs and against the defendants.

V. Allow the costs of the petition."

2. Looking to the prayer made by the applicants, the T.A. is disposed of with direction to the respondents to conclude the selection process for the post of Theatre Assistant issued vide advertisement dated 10.01.2019 and consider the case of the applicants for appointment to the post of Theatre Assistant on the basis of their merit, qualification and subject to condition that they are eligible to be appointed for the said post preferably within a period of six months from the date of receipt of certified copy of this order subject however to the condition that the selection in pursuance of the aforementioned advertisement has not already been made and the selection process stands concluded.

3. There shall be no order as to cost.

**(RAKESH SAGAR JAIN)**  
**MEMBER (J)**

*Arun*