



## **Central Administrative Tribunal Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.061/65/2020  
(Diary No.061/70/2020)  
M.A No.061/16/2020

Monday, this the 22<sup>nd</sup> day of June, 2020

**Hon'ble Dr. Bhagwan Sahai, Member (A)**  
**Hon'ble Mr. Rakesh Sagar Jain, Member (J)**

1. Anu Bhat age 30 years  
d/o Avtar Krishen Bhat  
r/o Village Hugam, Srigufwar  
Anantnag A/P House No.7, Lane No.3  
Amit Nagar Muthi, Jammu Pin Code 181205
2. Nishu Bali age 31 years d/o Roshan Lal Bali  
r/o House No.46 Sector No.7  
Model Town Gangyal Jammu, Pin Code 180010
3. Ajay Dhar, age 35 years s/o Chaman Lal Dhar  
r/o A/p 141/3, Dream City, Muthi  
Jammu Pin Code 181205

..Applicants

(Mr. Jasbir Singh Jasrotia, Advocate)

Versus

1. Union Territory of J & K through  
The Commissioner / Secretary,  
General Administration Department  
Govt. Of J & K, Civil Sectt. Jammu
2. J & K Service Selection Board through its Chairman  
Shekhari Bhawan, Rail Head Complex Jammu
3. Secretary, J & K Service Selection Board  
Shekhari Bhawan, Rail Head Complex Jammu

..Respondents

(Mr. Amit Gupta, Additional Advocate General)

**O R D E R (ORAL)****Dr. Bhagwan Sahai, Member (A):**M.A. No.061/16/2020

M.A. seeking joining together of the applicants in a single petition is allowed.

O.A. No.061/65/2020

Ms. Anu Bhat, d/o Mr. Avtar Krishen Bhat (applicant No.1, Ms. Nishu Bali, d/o Mr. Roshan Lal Bali (applicant No.2) and Mr. Ajay Dhar s/o Mr. Chaman Lal Dhar (applicant No.3) have filed this O.A. on 19.06.2020. In this, they seek direction to the respondents to appoint them on the posts of Junior Assistants in Divisional Cadre Kashmir under PM package for Kashmiri migrants, on par with other similarly situated persons, who obtained degrees, like to the applicants and were selected by the respondents.

2. We have perused the contents of the O.A. and heard the arguments of Mr. Jasbir Singh Jasrotia, applicants' counsel and Mr. Amit Gupta, AAG for respondents.

3. Registry to allot O.A. number to this case.

4. The applicants in this O.A. have stated that in response to advertisements dated 28.11.2017, 01.12.2017 and one more issued by the Department of Disaster Management, Relief, Rehabilitation and Reconstruction, Divisional Cadre Kashmir under PM package for Kashmiri migrants (Department of

Transport, Finance & PHE/I & FC), they applied for the posts of Junior Assistants and qualified in typing test conducted by respondent No.3 in March, 2018. They also qualified in written test on 12.10.2019. The applicants were then short-listed and respondent No.3 issued the selection list, in which all of them were selected for the posts of Junior Assistants, i.e., applicant No.1 for Department of Finance, applicant No.2 for Department of PHE/I & FC and applicant No.3 for Department of Transport (Annexe A-4, A-5 & A-6). However, their recommendations were withheld subject to validity of graduation through distance mode in light of Govt. Order No.252-HE of 2012.

5. The applicants have further stated that out of the total posts advertised, 10 posts in Finance Department, 17 in Department of PHE/I & FC and 19 in Department of Transport remained vacant due to non-availability of eligible candidates.

6. Applicant No.1 has done her graduation (BCA) from Sikkim Manipal University through distance mode in 2011 and submitted certificate issued by Director of Sikkim Manipal University dated 13.12.2019; applicant No.2 has completed her graduation in 2011 from Punjab Technical University and thereafter MBA in 2014 from Maharishi Dayanand University, Rohtak and submitted letter dated 26.03.2010 issued by the Chairman, Distance Education Council (DEC), which specifically mentioned that the DEC accorded recognition for the period of 03 academic years 2009-10 to 2011-12, for all

programmes through distance mode by the Punjab Technical University; and applicant No.3 has completed graduation (B.Com) from Institute of Advance Studies in Education of Gandhi Vidya Mandir Education Deemed University Rajasthan in the year 2011. He also submitted his *bonafide* certificate and notification dated 17.07.2002, vide which the University Grants Commission granted status as deemed University to the Institute of Advance Studies in Education. However, in spite of submission of all these documents, the applicants have not been issued appointment orders by respondent No.3 till now, although similarly situated other persons, who completed their education from the above institutions, have been selected and are working under the Government of J & K.

7. SRO 339 of 2005 dated 20.12.2005 mentions that Institutions running courses after due affiliation or accreditation from Shri Mata Vaishno Devi University, IGNOU, DOEACC and other autonomous organizations recognized by the Government of India, shall not be liable to closure if it seeks permission on the commencement of Act from the Government to run the recognized courses. All the Institutions/ Universities, through which the applicants have done their graduations, are recognized ones.

8. The applicants contend that their qualifications are higher than those for the posts of Junior Assistants, as mentioned in the advertisements and many posts are still vacant because of

non-availability of eligible candidates. Therefore, withholding of their appointment, with reference to Government order dated 252-JE of 2012 dated 30.05.2012, is deliberate by the respondents. Therefore, they seek direction to the respondents to appoint them as Junior Assistants in Divisional Cadre Kashmir under PM package for Kashmiri migrants, to restrain the respondents from issuing any fresh notification for appointments to the posts of Junior Assistants in Divisional Cadre Kashmir under PM package for Kashmiri migrants; and to consider the degrees of the applicants as valid for those posts.

9. As interim relief, the applicants seek direction to the respondents to consider their cases on par with similarly situated persons, who obtained degrees from the same Institutions / Universities as the applicants and were selected and have been appointed.

10. In view of the contentions of the applicants during hearing of the case today, Mr. Amit Gupta, AAG for respondents concedes that after due scrutiny of the distance education mode based degree certificates of the applicants as per Government order 252-HE of 2012, the respondents would shortly take a decision about their appointment against the posts of Junior Assistants.

11. With these submissions, both the counsels for the parties agree that the present O.A. may be disposed of at this stage itself, with direction to the respondents to take decision about

appointment of the applicants based on the select lists, copies of which have been annexed as Annexe A-4, A-5 & A-6, within a specified period of time.

12. In view of these submissions, the O.A. is disposed of with direction to the respondents to decide on appointment of the applicants as Junior Assistants within three weeks from the date of receipt of a copy of this order. No costs.

**( Rakesh Sagar Jain )**  
**Member (J)**

**( Dr. Bhagwan Sahai )**  
**Member (A)**

June 22, 2020  
/sunil/