

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**O.A. No. 61/1245/2020**

This the dated 16<sup>th</sup> day, Wednesday of December, 2020

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



1. Latasha Sharma,; aged 24 years,  
D/o. Late Sh. Vikas Sharma,  
R/o. House No. 864, Indra Chowk,  
Subash Nagar, Jammu-180 005.

.....Applicant

(Advocate: Mr. Nishant Shukla)

**Versus**

1. Union Territory of Jammu & Kashmir through  
Financial Commissioner to Government Health and Medical  
Education Department, Jammu and Kashmir Government,  
Civil Secretariat, Srinagar/Jammu-180 001;
2. Principal,  
Government Medical College,  
Jammu- 180 001;
3. Dr. Shashi Sudhan Sharma,  
Principal,  
Government Medical College,  
Jammu- 180 001;
4. Administrator,  
Associated Hospitals  
Government Medical College,  
Jammu-180 001;



5. Sh. Nagendra Singh Jamwal,  
Administrator,  
Associated Hospitals,  
Government Medical College,  
Jammu- 180 001;
6. Medical Superintendent,  
Medical College Hospital,  
Jammu- 180 001;
7. Reema Kumari Sharma,  
D/o. Sh. Tara Chand,  
R/o. H.No. 8/5 Village Kalah,  
P.O. Pallanwalla, Tehsil and Block Khour,  
District Jammu-181 204;
8. Reetika Sudan,  
D/o. Sh. Om Prakash,  
R/o. Ward No. 10,  
Tehsil and District Rajouri-185 151;
9. Dilshada Bano,  
D/o. Sh. Mushtaq Ahmed Lone,  
R/o. Mooth Tehsil Marmat,  
District Doda-182 201;
10. Uzba Zubair,  
D/o. Mohd Zahir Khan  
R/o. Gursai Tehsil Mendhar  
District Poonch-185 211.

.....Respondents

(Advocate: Mr. Rajesh Thapa; Dy. Advocate General)

**ORDER[ORAL]**

**Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member (J): -**

OA has been filed by the applicant seeking the following reliefs:-

i) Allow the instant application of the applicant along with costs;

ii) Direct the respondents No.2 to produce before this Hon'ble Tribunal the appointment orders of the private respondent No.7 to 10 with a further prayer to set aside the appointment orders of the private respondents No. 7 to 10 selected and appointed in pursuance to the select list issued by the Respondent No. 2 vide Order No. 589/AHJ of 2020 dated 02.12.2020 whereby respondents No. 7 to 10 being lower in the merit than the applicant have been selected and appointed for the post of Senior Staff Nurse under SRO 24 of 2019 dated 10.01.2019 in Government Medical College and its Associated Hospital Jammu;

iii) Direct the respondent No.2 to select and appoint the applicant against the post of Senior Staff Nurse in the open merit category on the basis of her higher merit than the private respondents no. 07 to 10 in pursuance to the selection process initiated vide Advertisement Notice No. 06 of 2020 dated 18.09.2020 for 20 posts of Senior Staff Nurse under SRO 24 of 2019 dated 10.01.2019 in Government Medical College and its Associated Hospital Jammu



Or in the alternative:

iv) Direct the respondents to select and appoint the applicant pursuant to the aforesaid advertisement notice dated 18.09.2020 as Senior Staff Nurse under the reserved category of EWS for which 10% quota has been provided under the J&K Reservation Rules of 2005 as amended vide SRO 518 dated

v) Any other relief which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case may also be granted in favour of the applicant and against the respondents.”

2. The case of the applicant is that he applied for the post of Senior Staff Nurse under the reserved category of Economically Weaker Sections (EWSs) before the cut-off date pursuant to the advertisement Notice No. 06 of 2020 dated 18.09.2020. It is submitted that though he secured more marks than the respondents 7 to 10, he was not placed in the merit list and not offered the appointment and further his case was not even considered even under reservation conferred to EWS. Hence he filed the instant OA seeking the aforesaid reliefs.

3. Learned counsel for the applicant submits applicant ought to have been placed before respondents 7 to 10 in the merit list as secured more



marks than them and, further, submits that since the applicant belongs to the reserved category of EWS, his case would have been considered at least for the posts ear marked under this category.



4. Learned counsel for the respondents submits that the candidature of the applicant has been cancelled since he had not enclosed his 10+2 qualification and therefore he could not be selected for the post.

5. Learned counsel for the applicant submits that as no person can acquire the bachelor degree without qualifying 10+2 examination and if someone has acquired the qualification of graduation he/she must have passed the 10+2 examination. He further submits that out of 20 notified vacancies 15 have been filled up and 5 vacancies are still lying vacant. He submitted representations to respondents 4 & 2 dated 03.12.2020 followed by 04.12.202 in respect to his grievance which are still pending without any outcome.

6. Heard Learned counsel for the applicant and Learned counsel appearing for the respondents and gone through the OA and material annexed to it.



7. Since the applicant has made out a prima facie, 5 posts are still lying vacant and his representations dated 03.12.2020 followed by 04.12.2020 made to the respondents 4 & 2 respectively are pending, therefore, ends of justice would be met if the respondents are directed to consider and dispose of his representations dated 03.12.2020 followed by 04.12.2020 made to respondents 4 & 2 respectively by passing a reasoned and speaking order within a period of four weeks from the date of receipt of certified copy of the order and till disposal of his representation, the respondents shall not fill up one post in question. In case the applicant is still aggrieved of the order to be passed by the respondents, he is at liberty to approach appropriate forum, if he is so advised. It is made clear that we have not observed anything on the merits of the case.

8. With the above observation, the OA is disposed of accordingly. No costs.

**(ANAND MATHUR)**  
**MEMBER (A)**

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

16.12.2020

*asvs*