



**Central Administrative Tribunal  
Jammu Bench, Jammu**

T.A. No. 6013/2021  
(SWP No.2890/2010)

Monday, this the 12<sup>th</sup> day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. Mohd. Jamshed, Member (A)**

Munesh Kumar, aged 40 years  
s/o Swaran Chand r/o Kothi Mohra Diani,  
Tehsil and District Samba

..Applicant

(Mr. M I Sherkhan, Advocate)

Versus

1. State of Jammu & Kashmir through Commissioner/Secretary to Government Youth Services and Sports, Civil Secretariat, Jammu/Srinagar
2. Jammu & Kashmir Service Selection Board, through its Chairman, Jammu
3. Secretary, Jammu and Kashmir Service Selection Board, Jammu
4. Director, Youth and Sports Service, Jammu
5. District Sports Officer, Samba

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

**ORDER (ORAL)****Mr. Justice L. Narasimha Reddy:**

The respondents issued a notification on 28.05.2008 for selecting Physical Education Teachers in the District, Samba. Reservation was also provided for various categories. The applicant claims the status of other social caste (OSC) but no posts were reserved in favour of that category. When he was not selected for the post, the applicant filed SWP No. 2890/2010 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondents to consider his case against the advertised post. He contends that he fared well in the interview and he was also entitled to score marks, on other components.

2. The respondents filed a detailed counter affidavit. It is stated that the selection was on the basis of awarding of marks to various levels of education as well as *viva voce* and in the process, the applicant secured 29.04 points. According to them, no reservation is made in favour of OSC category and accordingly, the applicant was considered against open merit and that the last candidate in that category, was the one, who secured 38.15 points.

3. An interim order was passed by the Hon'ble High Court on 15.12.2010, directing the respondents that one post shall be kept reserved for the applicant, after exhausting the select list.
4. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as T.A. No. 6013/2021.
5. Today, we heard Mr. M. I. Sherkhan, learned counsel for applicant and Mr. Rajesh Thappa, Deputy Advocate General.
6. This is not a case in which the candidature of the applicant was not considered at all. He was awarded marks under various attributes, such as 10+2, degree, and *viva voce*, and the aggregate came to 29.04 points. Though he claimed the status of OSC, no reservation is provided for that category. Obviously for that reason, the candidature of the applicant was considered against open merit vacancy. The last candidate selected under that category was the one, who secured 38.15 points. Therefore, it cannot be said that respondents committed any illegality in not selecting the applicant.

7. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.

( Mohd. Jamshed )  
Member (A)

( Justice L. Narasimha Reddy )  
Chairman

July 12, 2021  
/sunil/ankit/