



**Central Administrative Tribunal
Jammu Bench, Jammu**

**TA No.8435/2020
SWP No.139/2008**

This the 15th day of March, 2021

(Through Video Conferencing)

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

Neena, Age 38 years
D/o Shri Tara Chand
R/o H.No. 138, Street Ghaas Mandi
Talab Khatikaan, Jammu-Pin-180001.

...Applicant

(By Advocate: None)

VERSUS

1. State of Jammu & Kashmir through Chief Secretary
To the Govt. of Jammu and Kashmir, Civil Secretariat,
Jammu.
2. Jammu & Kashmir Public Service Commission
Pragati Bhawan, Rail Head Complex
Jammu/Polo View Srinagar(J&K)
3. The Secretary to the Govt. of Jammu and Kashmir
Department of Education, Civil Secretariat,
Jammu/Srinagar. ...Respondents

(By Advocates: Mr. Sudesh Magotra, Dy. Advocate General
for Res. No.1 and 3 and Mr. F.A. Natnoo for respondent
No.2)

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

The Jammu and Kashmir Public Service Commission, the second respondent herein, issued a notification in the year 2006 inviting applications for various posts in the Higher Education Department. The applicant herein responded to the notification in respect of post of Lecturer Zoology. It is stated that the selection was to be on the basis of performance in the interview. The applicant contends that she is otherwise qualified and though number of candidates were issued interview call letters, she was sent a call letter dated 04.07.2007 for the post of Assistant Grading Marketing Officer in Agriculture Production Department, and thereby she could not appear in the interview. She further states that at a later point of time, the respondents rejected her candidature on the ground that she crossed the age limit through communication dated 06.08.2007.

2. The applicant filed SWP No.139/2008 before the Hon'ble High Court of Jammu and Kashmir with a prayer to quash the communication dated 06.08.2007 and to direct the respondents to consider her case for appointment to the post of Lecturer Zoology, and for consequential benefits.



3. The record discloses that the respondent did not file any counter affidavit.

4. This SWP has since been transferred to this Tribunal in view of the reorganisation of the State of Jammu and Kashmir and renumbered as TA No.8435/2020.

5. We heard the T.A. on earlier occasion. We requested learned standing counsel for respondent no.2 to ascertain as to whether any post is remaining vacant to accommodate the applicant since she was sent a call letter for a different post, to which she did not apply at all. Today, he states that 16 posts of Lecturer in Zoology were filled up. He further contends that the candidature of the applicant was rejected on the ground that she was over aged.

6. There is no representation for the applicant. We heard Mr. Sudesh Magotra, learned Deputy Advocate General for respondent Nos. 1 & 3 and Mr. F.A. Natnoo, learned counsel for respondent No.2; and perused the records.

7. It is no doubt true that the applicant was sent a call letter for the post of Assistant Grading Marketing Officer on 04.07.2007. We would have considered the feasibility of



granting the relief to her, had it been a case where she was otherwise found eligible to be considered. Through the impugned communication dated 06.08.2007, the respondents have informed the applicant that she is over aged by one year, three months and twenty two days. It is purely a matter of record and we cannot ignore such an important fact.

8. We do not find any merit in this TA and accordingly the same is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sunil/jyoti/vandana/ankit/