



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No. 1503/2020
(SWP No.1742/2017)

Tuesday, this the 20th day of July, 2021

(Through Video Conferencing)

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

Pankaj Kumar Sharma, Aged 29 years
S/o Sh. Dev Raj Sharma
R/o H. No. 123, Street No. 12,
Jawahar Nagar, New Plots
Jammu

...Applicant

(Mr. Rahul Pant, Senior Advocate)

Versus

1. State of Jammu and Kashmir
Through Commissioner/Secretary to Government
ARI Training Department,
JA&K Government,
Civil Secretariat,
Jammu
2. J&K Services Selection Board,
Sehkari Bhawan, Rail Head Complex
Jammu
Through its Chairman
3. Secretary
J&K Services Selection Board,
Sehkari Bhawan, Rail Head Complex
Jammu
4. Ajay Kumar
S/o Sh. Duni Chand
R/o Village Dongra, Tehsil Billawar,
District Kathua

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General for
respondent Nos. 1 to 3 – Ms. Surinder Kaur, Senior Advocate
for respondent No.4)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The Jammu & Kashmir Services Selection Board, the 3rd respondent herein, issued an advertisement on 28.12.2018 for various posts including that of Assistant Operator Divisional Cadre Jammu in the Government Printing Press, Jammu. The qualifications stipulated for the post are “Matric with certificate of apprenticeship in the trade from the press of repute”. The applicant, the respondent No.4 and several others applied. When the applicant was not being considered, he approached the Hon’ble High Court of Jammu & Kashmir by filing SWP No. 1742/2017 before the Hon’ble High Court of Jammu & Kashmir. He stated that apart from Matriculation, he holds 10+2, Diploma in Printing Technology and Apprenticeship Certificate in book-binding and despite that, he was not treated as qualified. Ultimately, the 4th respondent was selected. The applicant challenged the selection of the 4th respondent, apart from seeking a declaration that he is a qualified candidate. On 15.07.2017, an interim order was passed by the Hon’ble High Court, directing that the selection of respondent No.4 shall remain stayed.

3. The applicant pleaded that he was not considered in spite of his holding the prescribed qualifications, whereas the



4th respondent, who does not hold any apprentice whatever, was selected.

4. The respondent Nos. 2 & 3 filed counter affidavit. They contend that qualifications held by the applicant on the one hand and respondent No. 4, on the other, were examined in detail and the applicant was treated as not qualified. It is also stated that the 4th respondents holds a certificate issued by a private Press, stating that he has three years experience in printing and accordingly, he was treated as qualified. Various contentions urged by the applicant are denied.

5. The 4th respondent also filed counter affidavit almost on the same lines.

6. 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. 1503/2020.

7. Today, we heard the arguments of Mr. Rahul Pant, learned senior counsel for applicant, Mr. Sudesh Magotra, learned Deputy Advocate General for respondent Nos. 1 to 3 and Ms. Surinder Kaur, learned senior counsel for respondent No.4, at length.



8. The issue in this T.A. is as to whether (a) the applicant is qualified to be considered for the post of Assistant Operator Divisional Cadre, Jammu; and (b) whether respondent No.4 holds the qualifications stipulated for the post.

9. The qualifications prescribed for the post are extracted in the preceding paragraphs. Apart from being a matriculate, the candidate must hold an Apprenticeship Certificate from a reputed Press. The applicant contends that he holds 10+2 qualification, Diploma for Printing Technology and an Apprenticeship Certificate. The respondent No.2 disqualified the applicant only on the ground that he does not possess the Apprenticeship Certificate, in Printing Technology. If the respondents are proceeding only on the basis that nothing short of an Apprenticeship Certificate in Printing Technology will meet the requirement, the applicant can certainly be treated as disqualified. What, however, makes the difference is that they treated the respondent No.4 as qualified. The record clearly discloses that the respondent No.4 did not hold any Apprenticeship Certificate whatever. The certificate submitted by him reads:-

“Experience Certificates

It is certified that Mr. Ajay Kumar S/o Sh. Duni Chand, R/o Dungara, Teh-Billawar, Distt. Kathua is working in our organization for the last three years as a Machine Operator (Printing) w.e.f. 2008 to June, 2011.



He is very expert in Running the Printing Machine. His work and conduct remain satisfactory during the period he worked in our organization.”

10. It is just an experience certificate. The Apprenticeship Certificate is given by an authority under the Apprentices Act, 1961 and not by private individuals. We do not find even the word “apprentice” in the certificate submitted by the respondent No.4. Therefore, he cannot be treated as holding the prescribed qualifications. The view taken by respondent No.2 cannot be accepted.

11. In case the respondent No.2 found that there are no candidates, who hold the Apprenticeship Certificate for the Printing Technology or other related subjects, they may consider the feasibility of relaxing the qualifications, in consultation with the user Department. In such a case, not only the respondent No.4, but also everyone, who is similarly situated, must be considered. The qualifications held by the applicant also need to be examined.

12. We, therefore, allow the T.A. and set aside the selection of respondent No.4 for the post of Assistant Operator Divisional Cadre, Jammu. The respondent Nos. 2 & 3 are directed to examine the matter afresh and undertake selection, strictly in accordance with the prescribed qualifications and if they find that there is dearth of qualified



candidates, the relaxation shall be extended uniformly to others, including the applicant and the 4th respondent. The exercise in this behalf shall be completed within two months from the date of receipt of a copy of this order. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

July 20, 2021
/sunil/ankit/daya/