



Central Administrative Tribunal Jammu Bench, Jammu

**T.A. No. 3411/2020
(SWP No.793/2016)**

Wednesday, this the 14th day of July, 2021

(Through Video Conferencing)

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

Anu Radha Age 43 years
D/o Sh. Chuni Lal
R/o Ward No. 5
House No. 77, R.S. Pura
Jammu.

(Mr. Rohit Kapoor, Advocate)

...Applicant

Versus

1. State of Jammu and Kashmir,
Through Commissioner/Secretary,
Industries and Commerce Department,
Civil Secretariat,
Jammu.
2. J&K Service Selection Board
Through its Chairman
Sehkari Bhawan Panama Chowk
Jammu
3. Administrative Officer,
J&K Service Selection Board
Sehkari Bhawan Panama Chowk
Jammu

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General for Mr. Amit Gupta, Additional Advocate General)

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

The respondents issued an advertisement in the year 2008, for appointment to the post of Senior Instructor (Leather). The applicant and several others applied. The selection process progressed to the level of interview / practical test by the year 2010. However, the further steps could not be made on account of the fact that the candidates with National Awardee Certificate (NAC) are not available. The applicant contends that the condition stipulated by the respondents for possession of NAC is leading to serious hardship on account of the fact that the very process of obtaining such certificate is not available. She filed SWP No.793/2016 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to quash the notification insofar as it insists on the possession of NAC for the post. Consequential reliefs are also claimed.

2. The applicant contends that the NAC is not an academic qualification and the mechanism, under which the certificates are issued, is not immediately available. It is stated that whatever may have been the justification for incorporating such condition, when candidates possessing such certificate were available, there is no point in incorporating it when the candidates with such certificate are not available.

3. The respondents filed a detailed counter affidavit, opposing the T.A. It is stated that the stipulation was made with a view to ensure that the candidates, with adequate proficiency, hold the post.

4. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.3411/2020.

5. Today, We heard Mr. Rohit Kapoor, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General *vice* Mr. Amit Gupta, Additional Advocate General.

6. The applicant was found to be otherwise eligible and was, in fact, called for interview. The impediment of selection appears to be non availability of candidates with NAC. This very issue was dealt with by this Tribunal in **Mohammad Afzal Mir & others v. State of Jammu & Kashmir & another** (T.A. No. 2693/2021) decided on 01.03.2021. The facts that the candidates with NAC are not available, and that the condition was relaxed on several occasions, were also taken note of. It was also mentioned that the Jammu & Kashmir Service Selection Board can itself relax that condition. Ultimately, it was observed that the selection shall be conducted without insisting on NAC.

7. We, therefore, allow the T.A., directing that the respondents shall proceed to select and appoint the Senior Instructor (Lecturer) in pursuance of the advertisement issued in 2008, without insisting on 'National Awardee Certificate'. The process shall be completed within three 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 14, 2021
/sunil/rk/daya/