



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.5000/2021
(S.W.P. No.1802/2010)

Friday, this the 28th day of May, 2021

(Through Video Conferencing)

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

Dr. Roop Lal Sharma, (Aged 30 years),
S/o Sh. Late Sh. Kolan Ram Sharma,
R/o Dabasudan, PO Kanachak,
Tehsil and District Jammu.

... Applicant

(*Nemo* for applicant)

Versus

1. State of Jammu and Kashmir,
Through Commissioner/Secretary to Govt.,
Higher Education Department,
Civil Secretariat, Jammu/Srinagar.
2. J&K Public Service Commission,
Through its Chairman,
Polo Ground, Srinagar.
3. The Secretary,
J&K Public Service Commission,
Polo Ground Srinagar.
4. OM Raj S/o Sh. Hari Saran,
R/o Village Kanota BPO Trungal,
Tehsil and District Doda.
5. Tasleem Araf Cash,
S/o Mohd. Sadiq,
R/o Shaiendra PO Shiendra,
Tehsil Haveli District Poonch.



6. Javaid Iqbal Khan,
S/o Gh. Mohd. Khan,
R/o Village Halmatpora,
Tehsil & District Kupwara, Kashmir.
7. Maheen Yaseen,
S/o Mohd. Yaseen Qazi,
R/o 193/1, Mirza Bagh, Daulatabad Khanyar,
PO Rainawari, Srinagar.
8. Shivani Manchanda,
W/o Ashwani Manchanda,
R/o H. No. 171, Sector -1,
Opposite Jagadish Aggarwal Park,
Trikuta Nagar, Jammu.
9. Kaneez Fatima,
D/o Mohd. Yaqub Khan,
R/o Gopal Pora Kalan, PO Mattan Martand,
Tehsil and District Anantnag.
10. Zahida Akhter,
D/o Ghulam Ahmed Ganaie,
R/o 47/1, Garland Bonamsir, Sonwar, Srinagar.
11. Sarita Parihar,
D/o Jai Lal Parihar,
R/o Village Sranwan,
Tehsil & District Kishtwar.

... Respondents
(Mr. Rajesh Thappa, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The respondents initiated steps for selection and appointment to the post of Lecturer (Economics) in Higher Education Department. Through an order dated 26.10.2009, the Jammu & Kashmir Public Service Commission selected



respondent Nos. 4 to 11. The applicant filed SWP No. 1802/2010 before the Hon'ble High Court of Jammu & Kashmir, challenging the order dated 26.10.2009 and sought a direction to the respondents Nos. 1 to 3 to select and appoint him as Lecturer (Economics). The applicant contends that the respondent Nos. 4 to 11 were less meritorious candidates than him and despite that, they were selected.

2. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the last selected candidate was the one, who secured 53.92 marks, whereas the applicant scored only 49.81 marks.

3. 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. 5000/2021.

4. The applicant is under the impression that he was more meritorious than the selected candidates. In the counter affidavit, the respondents have categorically stated that while last selected candidate was the one, who secured 53.92 marks, the applicant scored only 49.81 marks. Therefore, it cannot be said that any illegality has crept into the selection and appointment of respondent Nos. 4 to 11.



Item No.4

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

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 28, 2021
/sunil/rk/ankit/sd