



Item No.2

**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.5106/2021
(S.W.P. No.986/2011)

Friday, this the 21st day of May, 2021

(Through Video Conferencing)

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

Smt. Nivedika Rani, aged 25 years,
W/o Sh. Harnam Singh,
R/o Village Khabbal, Tehsil & District Samba.

... Applicant

(Nemo for applicant)

Versus

1. J&K Services Selection Board, through its Secretary, Sehkar Bhawan, Bahu Plaza, Jammu.
2. District Level Selection Committee of District, Samba, through its Chairman, (Convener), J&K Services Selection Board, Sehkar Bhawan, Bahu Plaza, Jammu.
3. State of J&K through its Secretary Incharge, Department of School Education, Civil Secretariat, Srinagar.

... Respondents

(By Advocate : Mr. Rajesh Thappa, Deputy Advocate General)

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

The respondents initiated steps for appointment of Teachers in Samba District in the year 2011. Reservation was also provided in favour of residents of backward area (RBA). The applicant responded to the notification and claimed the status of RBA category. Her name appeared at Sr. No. 64 in the select list. However, she was not interviewed on 02.05.2011 on the ground that she did not possess the RBA certificate issued, by the last date for receipt of the applications. The case of the applicant is that though she applied for the certificate way back on 29.12.2010, it was issued only on 28.04.2011; and that the respondents ought to have interviewed her.

2. The applicant filed S.W.P. No. 986/2011 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondents to interview her. An interim order was passed by the Hon'ble High Court on 05.05.2011, directing the respondents to interview her.

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. 5106/2021.



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4. The grievance of the applicant is that she was not being interviewed. The plea of the respondents was that the applicant did not possess the RBA certificate as on the last date for receipt of the applications. The record discloses that the application for RBA certificate was made by the applicant on 29.12.2010 and if there was delay on the part of the administration, in issuing the certificate, the applicant cannot be penalized. Further, the certificate, once issued, dates back to the one on which the application was made. Substantial relief was granted to the applicant through an impugned order.

5. We, therefore, dispose of the T.A., directing that in case the applicant was found fit for selection in the interview, appropriate steps shall be taken in accordance with law, if not already taken. On the other hand, if she was not found fit, the same shall be intimated to the applicant. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 21, 2021
/sunil/lg/anvit/sd/