



## Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.5417/2021  
(S.W.P. No.1840/2009)

Friday, this the 21<sup>st</sup> day of May, 2021

(Through Video Conferencing)

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

Suman Sharma,  
D/o Sh. Kewal Krishan Sharma  
And W/o Sh. Rakesh Kumar,  
Aged about 37 years,  
R/o Village Thein Teh. & District Kathua  
(Mr. F A Natnoo, Advocate)

... Applicant

### **Versus**

1. State of Jammu and Kashmir through,  
The Chief Secretary, Government of Jammu and Kashmir,  
Srinagar.
2. The Commissioner/ Secretary Education,  
Department, Government of Jammu and Kashmir,  
Srinagar.
3. Jammu and Kashmir Public Service Commission,  
Polo Ground, Srinagar, through its Secretary  
(Mr. Sudesh Magotra, Deputy Advocate General)

... Respondents

### **O R D E R (ORAL)**

**Mr. Justice L. Narasimha Reddy:**

The respondents initiated steps for selection and appointment to the post of Lecturer in Punjabi at 10+2 level. Notice in this behalf was issued on 26.02.2008 and reservation



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was provided in favour of residents of backward area (RBA). The applicant was one of the candidates and was shortlisted. However, at the stage of interview, she submitted the RBA certificate that was issued on 28.08.2009. The 3<sup>rd</sup> respondent did not accept the same and since there was no other candidate, the post was surrendered to the Government. The applicant filed SWP No.1840/2009 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondents to consider her case against the RBA vacancy. She contends that the RBA certificate was in her possession by the time the interview was conducted and there was absolutely no basis for the respondents to deny the benefit thereof.

2. 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.5417/2021.

3. Today, we heard Mr. F A Natnoo, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General.

4. The applicant claims the status of RBA for selection to the post of Lecturer in Punjabi at 10+2 level. To consider her case against the reserved vacancy, it was essential that she possessed



a valid certificate. The last date of submission of applications was 07.07.2008. In case the applicant approached the concerned Revenue authority for grant of RBA certificate earlier to that date and the certificate was issued a bit later, things would have been different altogether. The record discloses that the very application for RBA certificate was made by the applicant on 26.02.2009 and the certificate was issued two days thereafter, i.e., 28.02.2009. Once the application was made long after due date, the question of her being treated as RBA category candidate, does not arise. Anyway, more than a decade has elapsed since the selection is taken place.

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 21, 2021**  
/sunil/lg/ankit/sd/