

## Central Administrative Tribunal Jammu Bench, Jammu



TA No. 4344/2020  
(SWP No.117/2020)

This the 15<sup>th</sup> day of April, 2021

(Through Video Conferencing)

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

Manjeet Singh & Others.

..Applicants

(Mr. Vipan Gandotra, Advocate)

VERSUS

State of Jammu & Kashmir through Secretary and Others.

..Respondents

(Mr. Amit Gupta, Additional Advocate General)

**ORDER (ORAL)**

## **Justice L. Narasimha Reddy:**

A notification was issued on 30.12.2016 by the Jammu & Kashmir Police Recruitment Board, proposing to select Sub Inspectors in the Executive as well as Armed wings of the Police. The applicants and quite large number of others responded to the notification. A written test was conducted, followed by Physical Endurance Test (PET). The candidates within the range of selection were also interviewed and the result of the selection was declared on 30.12.2018. The applicants were not among the successful candidates. They filed SWP No. 117/2019 before the Hon'ble High Court of Jammu & Kashmir, in this behalf. According to them, the recruitment ought to have taken place in accordance with the Jammu & Kashmir Special Recruitment Rules, 2015, issued through SRO No. 202/2015 dated 30.06.2015.

2. The applicants contend that Rule 6 thereof provides for constitution of the selection Committee comprising of Chairman or a Member of the Services Selection Board, to be nominated by the Chairman as Convenor, the District Head of the Indenting Office or Department as Member, one officer of or above the rank of Deputy Secretary to the Government as another Member for the Non-Gazetted post and, in the instant case, the Board was constituted, vide proceedings dated 28.05.2016, in total deviation of the rules. They submit that the ADGP and the MD of



Police Housing Corporation was made Chairman of the Committee and the members were also from the Police department, and that no official was drawn from the Civil Services. With these and other contentions, the applicants prayed for Writ of certiorari, to quash the advertisement dated 30.12.2016, and the final select list dated 13.12.2018, whereby the private respondents, numbering about 673, were selected.



3. The official respondents filed a detailed reply. According to them, the selection was made strictly in accordance with the SRO No. 202/2015. Reliance is also placed upon the Rule 172 of J&K Police Manual that empower the DGP to constitute the selection Boards. An objection is also raised as to the maintainability of the Writ Petition, on the ground that once the applicants have responded to the advertisement and participated in the selection process, it is not open for them to challenge the advertisement as well as the method of selection.

4. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as TA No. 4344/2020.

5. We heard Mr. Vipan Gandotra, learned counsel for the applicants and Mr. Amit Gupta, learned Additional Advocate General for the official Respondents.

6. The prayer in the Writ Petition was, to quash the advertisement as well as the list of selected candidates published on 13.12.2018. More than 600 candidates were selected for both the wings. Two aspects become important. The first is about the maintainability of the Writ Petition and thereby TA, and the second is about the merits of the plea.



7. The advertisement was issued by the Police headquarters of J&K, in the name of Director General of Police. It indicated the number of posts and the Board selection process. 482 posts of Sub-Inspector (Executive) and 176 posts of Sub-Inspector (Armed) were notified. The educational qualifications and physical standards are mentioned. The applicants responded to the notification and took part at the level of selection. It is only when they were not successful in the selection process, they filed the Writ Petition.

8. It is fairly well settled that the candidates, who responded to an advertisement and took part in the selection for the public post, cannot turn around and challenge the selection process. References in this context can be made to the judgment of the Hon'ble Supreme Court in **Madan Lal & Others v. the State of Jammu & Kashmir & Others** (AIR 1995 SC 1088), and another judgment of the Hon'ble Supreme Court in **Om Prakash Shukla v. Akhilesh Kumar Shukla & Others** (AIR 1986 SC 1043).



9. There is an important aspect involving public interest in such cases. The notification evoked huge response from various intending candidates. If the selection process is defective from its very inception, the challenge at that stage would obviate the conducting of the examination or the ordeal of the quite large number of candidates getting prepared for it. If a candidate takes part in a selection, waits till the entire selection process is completed; and then challenges the selection process, the amount of inconvenience to the Government, to the participants of selection process and public at large, would be phenomenal. The issue cannot be viewed from the point of view of the selected or unselected candidates alone. The recruitment is undertaken to provide service to the public at large. If the selection process is hampered on such arbitrary and whimsical grounds, the loss would be to the public at large, apart from hardship to the selected candidates. The applicants are precluded from challenging the selection process once they have taken part in it. Once the TA is held to be not maintainable in view of the law laid down by the Hon'ble Supreme Court, there would be no necessity to undertake any further discussion. However, we refer to the other grounds also.

10. From the pleadings we find that the respondents have acknowledged their obligation to follow the recruitment rules and they stated in their counter affidavit as under:



“That the recruitment for the post of SI in J & K Police having completely switched over to Transparent Recruitment process (TRP). All the stages of the instant recruitment process were technologically driver with minimum human intervention as a result all the stages of Physical Endurance Test (PET)/Physical Standard Test (PST) were covered under CCTV coverage and the candidates were subjected to proper identification in order to avoid any impersonation. All the centres with special reference to the centres in question earmarked for written examination were covered under CCTV coverage/videographed as such all the events were properly recorded.”

11. So far as the constitution of the selection committee is concerned, the applicants relied upon the general rules, whereas the selection process in this case is conducted by the Police department and the Service Selection Board. Assuming that there was some deviation from the constitution of the selection boards, the law is fairly well settled that the mere defect in the constitution of the selection board would not vitiate the selection process as such. Ultimately, it has to be seen whether the recruitment rules have been followed, to the extent possible.

12. We do not find any merit in the TA and the same is accordingly dismissed. No costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

lalit/ankit/dsn

