Item No.13



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.5748/2021 (S.W.P. No.2460/2009)

Thursday, this the 27th day of May, 2021

(Through Video Conferencing)

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

QadeerHussain, age 23 years son of Mohd. Shafi r/oSanai Tehsil Surankote District, Poonch

... Applicant

(Mr. Khalid Mustafa Bhatti, Advocate)

Versus

- State of Jammu & Kashmir through 1. Commissioner/Secretary to Govt. Home Department, Civil Secretariat, Jammu
- Director General, Fire and Emergency Services, 2. Jammu & Kashmir, Jammu
- Anjum Khan s/o Alam Khan 3. r/oKoteMohallah Kala Kam, Jammu

... Respondents

(Mr. SudeshMagotra, Deputy Advocate General)



ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The respondents initiated steps way back in the year 2006 for filling of 314 posts of Fireman/Fireman Driver in the Fire and Emergency department. As many as 34 posts were reserved in favour of ST category. The applicant contends that though he is an ST candidate and was more meritorious candidate, he was not selected. He filed SWP No.2460/2009 before the Hon'ble High Court of Jammu & Kashmir, challenging the selection of respondent No.3.

- The respondents filed a detailed counter affidavit, 2. narrating the method of selection and the circumstances that led to the selection of respondent No.3 and the non-selection of the applicant.
- The SWP has since been transferred to the Tribunal in 3. view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.5748/2021.
- Today, We heard Mr. Khalid Mustafa Bhatti, learned 4. counsel for applicant and Mr. SudeshMagotra, learned Deputy Advocate General.

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- It may be true that the applicant is one of the candidates 5. for the post of Fireman/Fireman Driver. As many as 34 posts were earmarked for ST category. The applicant has chosen to challenge the selection of only one ST candidate, namely, the respondent No.3.
- 6. In paragraph 8 of the counter affidavit, the respondents have furnished the method of selection, which is highly objective and hardly there is any scope for interference. The marks were awarded for different levels of education and in the process, the applicant was not up to the level of selection. No rejoinder is filed by the applicant to the counter affidavit.
- We do not find any merit in the T.A. It is accordingly 7. dismissed. There shall be no order as to costs.

(TarunShridhar) (Justice L. Narasimha Reddy) Member (A) Chairman

May 27, 2021 /sunil/jyoti/ns/sd/