

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A.61/216/2020 (SWP.No.2831/2002)

This the 17th day of December, 2020

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN
HON'BLE MR. MOHD. JAMSHED, MEMBER (A)**

1. Neeru Devi, aged: 24 years, D/o Sh. Surinder Kumar, W/o Sh. Anil Bhushan, R/o Basohli, District Kathua.

.....Applicant

(Advocate:- Mr. Rahul Pant)

Versus

1. State of Jammu and Kashmir, through Principal Secretary to Government, Jammu and Kashmir Government, Education Department, Civil Secretariat, Jammu.
2. Jammu & Kashmir Services Selection Board, through its Chairman, Sehkari Bhawan, Rail Head Complex, Jammu.
3. Bikramjit Singh, S/o Sh. Khushi Ram, R/o Basantgarh, Kathua.
4. Meena Bala, D/o Sh. Dewan Singh, R/o Hottar, Billawar, District Kathua.
5. Yash Paul Singh, S/o Sh. Mohan Lal, R/o Rahementabpur, District Kathua.
6. Om Parkash, S/o Sh. Acchar Singh, R/o Chandal, Bani, District Kathua

.....Respondents

(Advocate:- Mr. Sudesh Magotra, Id. Deputy Advocate General)



ORDER**[O R A L]**

Justice L. Narasimha Reddy, Chairman: -



Selection to the post of Teachers in District Cadre Kathua, was taken up in the year 1999, vide Advertisement No.01 of 1999 dated 09.03.1999. Reservation was provided in favour of Residents of Backward Area (RBA). The applicant responded to the advertisement and applied. However, her name did not figure in the list of selected candidates. On verification, she was informed that by the time interviews were conducted, she was married to a person outside the District and thereby she incurred disqualification.

2. The applicant filed SWP.No.2831/2002 before the Hon'ble High Court of Jammu & Kashmir, challenging the action of the respondents. She pleaded that her status on the date of advertisement was very much that of the RBA and the subsequent marriage cannot have any impact upon her status and that she was wrongly denied the appointment.

3. The respondents filed a reply in the year 2016. According to them, the applicant could not be selected on account of the fact that she was married to a person outside the District i.e., in Basohli. It is stated that the applicant did not belong to RBA category.



4. The Writ Petition has since been transferred to this Tribunal in view of re-organization of the State of Jammu & Kashmir and renumbered as TA.No.216/2020.

5. Heard Mr.Rahul Pant, learned counsel for the Applicant and Mr.Sudesh Magotra, learned Deputy Advocate General, for the Respondents.

6. For one reasons or the other, the Writ Petition filed way back in the year 2002, in relation to selection of Teachers, remained pending till the year 2020. Even if the Tribunal finds that any serious deviation from the settled principles has taken place and the applicant was wronged, it becomes difficult in the context of granting relief. Added to that, selections for the post of Teacher in the same District, has taken place in 2016, and fortunately the applicant was selected therein.

7. Mr.Rahul Pant, learned counsel for the Applicant, strongly urged that since the applicant was wrongfully denied the selection and appointment in the year 2002, for no fault of her, her appointment in the year 2016, can be treated as having taken place in 2002.

8. Even where a candidate was wrongfully denied appointment with or without selection and granted relief at later point of time, the



question of treating the year of appointment earlier to the one on which it was made, does not arise. The relief, if at all, can be, in the context of seniority; provided the selection committee has already assigned ranking. In the instant case, such ranking did not take place and in fact, the applicant did not figure in the selection list at all in the year 2002.

9. We do not find any merit in the OA and the same is accordingly dismissed. There shall be no order as to costs.

(MOHD JAMSHED)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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