

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A.61/223/2020 (SWP.No.2681/2002)

This the 17th day of December, 2020

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

1. Riaz Ahmed Wani, age 34 years, S/o Sh. Abdul Rashid Wani, R/o Main Bazar Ramban.
2. Attar Singh age 36 years, S/o Sh. Prem Singh, R/o Chanderkot Tehsil Ramban District Doda.
3. Ms. Basharat Bano age 31 years, D/o Late Jumma Bhat R/o Village Thathri Tehsil Thatri District Doda.
4. Om Singh age 38 years, S/o Sh. Kanshi Ram, R/o Village Sujmatna (Inyar) Tehsil Banihal District Doda

.....Applicants

(Advocate:- Mr. R.K.S. Thakur, vice Mr. O.P. Thakur)

Versus

1. State of Jammu and Kashmir through Commissioner-Secretary Education Department Civil Secretariat, Srinagar.
2. J&K State Service Recruitment Board Jammu.
3. Chief Education officer Doda.
4. Rajinder Singh S/o Dina Nath R/o Inharah Gandoh Distt Doda.
5. Ms. Safaya Tabassum D/o Abdul Qayoom R/o Mohalla Saraf Nagar Bhadarwah District Doda.
6. Chaman Lal S/o Bhim Sain R/o Shaleen (Kothli) Assar District Doda.
7. Rukya Banu Rangrez, D/o Abdul Hamid Rangrez,R/o Mohalla Sarafan Bhadarwah District Doda.
8. Ms. Asia Tabassum, D/o Mohd. Ali Bhat, R/ barahala Tehsil and District Doda.
9. Mano Rani, w/o Bikram Singh, R/o Tringal Tehsil, Bhadarwah District Doda.
10. Niala Rashid D/o Abdul Rashid R/o Rishipura Charad Tehsil and District Goda.
11. Parvez Ahmed, S/o Din Mohd, R/o Androla, Thathri Chaka Bhadarwah District Doda.

.....Respondents

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



**O R D E R****[O R A L]****Justice L. Narasimha Reddy, Chairman: -**

The Department of Education issued a notification No.1 of 1999, inviting applications for the post of Teachers in District Cadre Doda. The minimum qualification prescribed was 10+2 with 50% marks. The selection process provided for allotment of marks to qualifications at different levels. For 10+2, 40 marks were awarded, for B.Ed and M.Ed, 10 marks each and 20 marks were allocated to viva voce. The applicants were some of the candidates who responded to the said notification and they possessed B.Ed/M.Ed qualification. However, they could not make it to the selection. They filed SWP.No.2681/2002, challenging the criteria adopted by the respondents.

2. The applicants contend that the allocation of large number of marks i.e., 40 for 10+2 level was totally unjustified, and though marks for higher qualifications, the respondents have put the highly qualified persons to disadvantage. Reliance is placed upon the judgment of the Hon'ble High Court of Jammu & Kashmir in *Balvinder Kour v. State of Jammu & Kashmir* (2000 KLJ 421).



3. The respondents filed a reply opposing the TA. It is stated that the once the minimum qualification is 10+2, awarding of adequate marks for that qualification is essential.

4. It is stated that the persons with additional qualification cannot insist on awarding of still higher marks and if such a request is acceded to, candidates who held the minimum qualification, would virtually stand eliminated.

5. The Writ Petition has since been transferred to this Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as TA.No.223 of 2020.

6. We heard Mr.D.C.Raina, learned counsel for the Applicant and Mr.Sudesh Magotra, learned Deputy Advocate General, for the Respondents.

7. It is no doubt true that the Hon'ble High Court of Jammu & Kashmir has expressed its reservations about awarding of higher marks to 10+2 qualification, in the context of selection to the post of Teacher. It was observed that the 10+2, being the minimum qualification for any posts, awarding of such large number of marks would not sub-serve the intended purpose. We would have certainly taken the same into account, but for two factors. The first is that the applicant did not challenge the condition before they submitted their application. The Hon'ble Supreme Court categorically held that once



a candidate participates in the selection process, he cannot turn around and challenge the conditions stipulated for selection when he was not selected. The second is that two decades have elapsed ever since the selection process commenced. Even if there existed any merit in the OA, we find it difficult to grant any relief at this point of time.

8. We, therefore, dismiss the TA. There shall be no order as to costs.

(MOHD JAMSHED)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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