



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No. 4832/2020
(SWP No.466/2012)

Wednesday, this the 7th day of July, 2021

(Through Video Conferencing)

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

1. Mrs. Jamsheeda Akhtar,
Aged about 54 years,
D/o Mr. Abdul Karim,
W/o Mr. Gh. Ahmad Zaroo,
R/o SDA MIG Colony Bemina, Srinagar
2. Mrs. Zamrooda Akhter,
Aged about 46 years,
D/o Kh. Mohd Sabir War,
W/o Mushtaq Ahmad Ahanger,
R/o Housing Colony Bemina, Srinagar.

...Applicants

(Mr. Taha Khalil, Advocate)

Versus

1. State of J&K through its
Commissioner/Secretary to Government,
Health and Medical Education Department,
Civil Secretariat, Srinagar/Jammu.
2. J&K Public Service Commission,
Through its Secretary,
Resham Garh Colony,
Bakhshi Nagar, Jammu.
3. Chairman,
J&K Public Service Commission,
Resham Garh Colony,
Bakhshi Nagar, Jammu.
4. Secretary,
J&K Public Service Commission,
Resham Garh Colony,
Bakhshi Nagar, Jammu.



5. Principal/Dean
Government Medical College
And Associate Hospitals, Srinagar.
6. Sumaya Sidiqi,
D/o Gh. Nabi Sidiqi,
Staff Sister,
SMHS, Hospital Srinagar.
7. Nighat Hafiz,
D/o Ab. Hafiz Bhat,
C/o BIBI Heleema College of Nursing,
Karan-Nagar, Srinagar.

... Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The respondents initiated steps for appointment of Lecturers in Nursing College, vide notification dated 16.11.2011. The age limit was stipulated as 45 years for in-service candidates. The applicants herein crossed the age limit. They filed SWP No. 466/2012 before the Hon'ble High Court of Jammu & Kashmir, challenging the stipulation of age limit and for a direction to the respondents to consider their cases for being selected and appointed as Lecturers. The applicants contend that there were several instances where the Public Service Commission has relaxed the age limit and the Indian Nursing Council, which is the apex authority, did not stipulate any age limit for the post of Lecturer in Nursing College.

2. The respondents filed a detailed counter affidavit. It is stated that the applicants have crossed the age limit stipulated in the



notification and accordingly, they were not considered. It is also stated that the Public Service Commission has taken a decision to consider the cases of over aged candidates in case the candidates within the age limit are not available, and in the instant case, many candidates, within the age limit had applied.

3. This SWP has since been transferred to the Tribunal in view of re-organisation of the state of Jammu and Kashmir and re-numbered as TA No.4832/2020.

4. Today, we heard Mr. Taha Khalil, learned counsel for applicants and Mr. Rajesh Thppa, learned Deputy Advocate general.

5. By the time the notification was issued, the applicants have crossed 45 years age limit. The first applicant was above 54 years and the second applicant was 46 years old. The respondents have stipulated 45 years as the age limit. It is true that there are many instances of the respondents enhancing the age limits. That, however, is in cases where the candidates within the age limit are not available in sufficient number. The effort was to ensure that the appointments are made with the available candidates, even if they are over aged, so that the purpose of having that post is not defeated. In the instant case, there was a good response to the notification and many candidates within the age limit, applied.



That being the case, the applicants cannot insist on relaxation of age limit.

6. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

July 7, 2021
/sunil/vb/