

Central Administrative Tribunal Jammu Bench, Jammu



TA No. 5131/2020
& Diary No.7940/2020

This the 15th day of April, 2021

(Through Video Conferencing)

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

Shahziya Shah, Age 24 yrs,
D/o Mubarak Shah,
R/o Printee Panikhar Kargil.

..Applicant

(By Advocate: Mr. Bhat Fayaz Ahmad,)

VERSUS

1. State of J&K through Commissioner/Secretary to Govt. Animal and Sheep Husbandry Department, Civil Sectt., Srinagar/Jammu.
2. Service Selection Recruitment Board through its Chairman, Srinagar/Jammu.
3. Secretary,
Service Selection Recruitment Board,
Srinagar/Jammu.

..Respondents

4. Tsewing Lamo, D/o Rigzing Angchuk,
Age 26 yrs, R/o Leh, Ladakh.

..Impleaded Party
Respondent

(By Advocate: Mr. Amit Gupta, Additional Advocate General,
and Ms. Nusrat Razak for Respondent No.4)

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:**

The Service Selection Recruitment Board (SSRB) issued a notification in the year 2017, for selection to the post of Fisheries Development Assistants (FDA). The applicant and various others responded. He claimed the status of Scheduled Tribe (ST). The computer based test was conducted, and on the basis of the performance of the candidates in that examination, a merit list was published in the year 2017. The name of the applicant figured in the list of candidates under ST category, with 46.75 marks.

2. The applicant contends that the final select list was published somewhere in the year 2018, against the post reserved for ST category, and that selection against one post is deferred in view of pending claim. The applicant filed the SWP before the Hon'ble High Court of Jammu and Kashmir, aggrieved by the action of the respondents in not selecting her. She prayed for a Writ of Mandamus commanding the respondents to release the selection of the applicant against the post of FDA in terms of the advertisement and to extend all other benefits.



3. On behalf of the official respondents, a detailed reply is filed. The facts that the advertisement was issued and the applicant and the private respondents have participated therein, are not disputed. It is, however, stated that by the time the selection process was taken up, the 4th respondent by name Ms.Tsewing Lamo, had put forward her claim and pending examination of the same, the post reserved for ST was kept vacant.

4. The Writ Petition has since been transferred to this Tribunal in view of the reorganization of the State of Jammu & Kashmir, and renumbered as TA.No.5131/2020.

5. Today, we heard Mr.Bhat Fayaz Ahmad, learned counsel for the Applicant, and Mr.Amit Gupta, learned Additional Advocate General, for the Official Respondents, and Mr.Nusrat Razak, learned counsel for the Unofficial Respondent No.4.

6. Six posts of FDA were advertised on 17.11.2017. Out of them, one was reserved for ST. A written test was conducted for this purpose and several candidates had participated therein. The applicant filed a list of provisionally selected candidates, wherein she was shown to have scored 46.75 marks. However, we do not find any authenticity to it. In the final list of selected candidates, said to have been published by the respondents, the following observation is made against the said ST vacancy:

“ Selection of one post deferred in view of the pending claim.”



7. In the counter affidavit filed by the official respondents, it is stated that the 4th respondent laid her claim and that she scored 42.71 marks. It should not have been difficult for the official respondents to select a candidate against the post reserved in favour of STs. The candidates with necessary certificate about social status and the marks scored by them are before them. In case, any claim is made, the same needs to be decided duly passing an order, furnishing the reasons. There cannot be any justification to keep the matter pending, particularly when all other posts are filled up.

8. We, therefore, dispose of this TA, directing the appointing authority to finalize the selection and appointment to the post of FDA, reserved in favour of ST, referable to the advertisement dated 17.11.2017; within a period of four weeks from the date of receipt of a copy of this order, strictly in accordance with the merit among the ST candidates, whose social status is beyond any pale of doubt.

9. The MA for impleadment of the proposed respondent no.4 is allowed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lalit/ankit/dsn