

Item No.5

**Central Administrative Tribunal  
Jammu Bench, Jammu**



T.A. No.5451/2020  
(S.W.P. No.1536/2009)

Monday, this the 18<sup>th</sup> day of January, 2021

(Through Video Conferencing)

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

Abidah Jan Age 28 years, D/o Ghulam Rasool Najar, R/o Beerwah District Budgam, Qualification B.A., B.Ed.

..Applicant

(Nemo for applicant)

Versus

1. State of Jammu & Kashmir through Commissioner/Secretary to Government, Education Department, Civil Secretariat, Jammu/Srinagar.
2. Director Education Department, Kashmir, Srinagar.
3. J&K Service Selection Board through its Chairman/Secretary, Srinagar.
4. Shamsheer Chand S/o Des Raj, R/o Dollian P.O. Bari Brahmna, Samba, Qualification Graduate.
5. Navneet Kundal S/o Ram Lal Kundal, R/o Amir Nagar Dabber, Bishnah, Jammu Qualification Graduate.
6. Vijay Dutt S/o Hans Raj, R/o Jawalla Puri, PO Makwai, Jammu Qualification Graduate.
7. Arun Kumar S/o Tarsem Chand, R/o Vill Chhan Datyal, PO Chandwan, Hiranagar, Kathua Qualification Graduate.
8. Reva Rani D/o Maghar Ram, R/o VPO Sanji More Tehsil Hiranagar, Kathua, Qualification Graduate.
9. Rekha Devi Bhagat D/o Mahinder Kumar Bhagat, R/o Village Beghana, Tehsil Kishtwar, Qualification Graduate.
10. Rattan Lal S/o Amar Nath, R/o Kandhote Charya, Thathri, Doda Qualification Graduate.
11. Shashi Kant S/o Kuldeept Singh, R/o Raila Tehsil Gandoh, Doda. Qualification Graduate.

Item No.5



12. Naresh Kumar S/o Diwan Chand, R/o Dhaloti, PO  
Amala Tehsil Hiranagar, Kathua. Qualification  
Graduate.
13. Joginder Kumar S/o Shiv Ram, R/o Channi Rama,  
Channi Himmat, Jammu. Qualification Graduate.
14. Rakesh Kumar S/o Tej Ram, R/o Villthaiori, Camp PO  
Vijaypur, Samba. Qualification Graduate.
15. Ajay Kumar S/o Babu Ram, R/o Bhardha Khurdh,  
Akhnoor, Jammu. Qualification Graduate.
16. Surinder Kumar S/o Jagdish Chander, VPO Dharalta,  
Tehsil Billawar, District Kathua. Qualification Graduate.  
...Respondents  
(Mr. Sudesh Magotra, Deputy Advocate General)

### **ORDER (ORAL)**

**Mr. Justice L. Narasimha Reddy:**

The Jammu & Kashmir Service Selection Board, the third respondent herein issued a notification for selection and appointment of Teachers in the Government. An advertisement was issued in this behalf on 22.04.2008. The applicant responded to the same and claimed the status of 'social caste' category. In the ultimate selection, that took place, the name of the applicant did not figure in the list of selected candidates. She filed SWP No.1536/2009, before the Hon'ble High Court of Jammu & Kashmir, challenging the action of the respondents in not selecting her.

2. The applicant pleaded that the respondents did not act objectively and on account of discrimination, she was kept out of selection process.

Item No.5



3. The respondents filed a detailed counter affidavit. It is stated that the selection was done in the most objective manner while allocating the marks to various levels of education such as, 10+2, Graduation, B. Ed., Post Graduation, M. Ed., Doctorate (Ph. D), and *viva voce*. According to the respondents, the applicant secured 41.44 marks, whereas the last selected candidate in the social caste category is the one, who secured 47.36 marks.

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 T.A. No.5451/2020.

5. Today, there is no representation from the applicant. We heard Mr. Sudesh Magotra, learned Deputy Advocate General, through video conferencing.

6. The applicant challenged the list of selected candidates under the social caste category prepared, as a sequel to the advertisement dated 22.04.2008. Though the applicant did not elaborate upon the method adopted by the respondents for selection, in the reply filed by the respondents, it is stated that



Item No.5



the marks were allocated for each level of education and the selection was undertaken accordingly. It is stated that for 10+2, 30 points were awarded, for Graduation, 10 points, for B. Ed., 15 points, Post Graduation, 10 points, M. Ed., 10 points, Doctorate (Ph.D.), of M.Phil, 5 points; and *viva voce*, 20 points. One cannot expect a better evaluation of the merit of candidates than this. The applicant secured 41.44 marks, whereas the last candidate in the category was the one, who secured 47.36 marks. It cannot be said that there was any illegality or infirmity in the selection process.

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

( Pradeep Kumar )  
Member (A)

( Justice L. Narasimha Reddy )  
Chairman

January 18, 2021

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