

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No. 5467/2020
(S.W.P. No.171/2011)

Tuesday, this the 11thday of May, 2021

(Through Video Conferencing)

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

Gh. NabiYatoo, age 34 years
s/oAbGaniYatoo
r/oMalaporaNagam District Budgam

..Applicant
(*Nemo*for applicant)

VERSUS

1. State of J & K through Commissioner/Secretary to Govt. General Administration Department, Civil Secretariat Srinagar/Jammu
2. Financial Commissioner (Revenue), J & K, Srinagar Jammu
3. J & K Services Selection Board through its Secretary ZumZum Building Srinagar/Rail Head Complex, Panama Chowk, Jammu
4. Chairman, J & K Services Selection Board, ZumZum Building, Srinagar Rail Head Complex, Panama Chowk, Jammu
5. Bashir ahmad Kumar s/o Mohd. Sultan Kumar r/oCharariSharief, Budgam
6. Gulzar Ahmad Dar s/o Gh. Ahmad Dar r/oDevBaghChadoora
7. Farooq Ahmad Gannie s/o Mohd. Sultan Gannie r/oPanzanChadooraBudgam
8. Mohd. Yousuf Dar s/o AbAhad Dar r/oSholiporaBudgam

9. JavidIqbal s/o Mohammad Subhan Khan
r/oBeeruBudgam
10. HaniefMohd. Rather so Abdul Hamid Rather
r/oGangiBagh, Budgam
11. Manzoor Ahmad Mir s/o Abdul Ahad Mir
r/oLalporaBeerwahBudgam

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The respondents issued advertisement No.02/2000 for selection and appointment of Patwari in the District of Budgam. The applicant claims to be one of the candidates. The list of selected candidates was displayed on 30.011.2009 and the name of the applicant did not figure therein. He filed SWP No.171/2011 before the Hon'ble High Court of Jammu & Kashmir, challenging the list. The applicant contends that though he did fairly well in the various tests, his name was not included.

2. The respondents filed a detailed counter affidavit. It is stated that the applicant was absent in written test when it was conducted and accordingly, he cannot be considered.
3. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.5467/2020.



4. Today, there is no representation for the applicant. We perused the record and Mr. Rajesh Thappa, learned Deputy Advocate General.



5. The selection process involved various steps. The grievance of the applicant is that he was not selected for the post of Patwari. The respondents have categorically stated that the applicant remained absent when the test was conducted. That fact was not disputed by the applicant. Once he did not take part in the examination, the question of his being considered does not arise. Even if he has participated, much would depend upon the marks he secured in the test. A candidate, who did not appear in the test, cannot be included in the select list.

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

May 11, 2021
/sunil/rk/sd/