

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 62/5642/2020

This the 11th day of May, 2021

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)



1. Dr. Khurshid Ahmad Bhat (Aged: 29 years), S/o Abdul Kabir Bhat, R/o Khawajapora, District Shopian.
2. Dr. Hilal Ahmad Malla (Aged: 30 years), S/o Gh. Nabi Malla, R/o Sogam, Chadoora, District Budgam.
3. Dr. Suhail Ahmad Bhat (Aged: 30 years), S/o Abdul Salam Bhat, R/o Charsoo, Awantipora, District Pulwama.
4. Dr. Khalid Muzzaffar (Aged: 30 years), S/o Muzzaffar Ahmad Sheikh, R/o Reshipora, Saloora, District Ganderbal.

.....Applicants

(Advocate:- Mr. Mudasir Bin Hassan)

Versus

1. State of J&K through its Commissioner cum Secretary to Govt. Health and Medical Education Department, Civil Secretariat, Srinagar/Jammu.
2. Director Health Services Kashmir Division, Srinagar.
3. Principal Govt. Medical College, Jammu

.....Respondents

(Advocate: Mr. Rajesh Thappa, learned D.A.G.)

ORDER

[O R A L]

(Delivered by Hon'ble Mr. Anand Mathur, Member-A)

The applicants herein are possessing MBBS Degree and have also completed/pursued MD Course in the faculty of Orthopaedics. The applicants were appointed as Assistant Surgeon in the Medical Education Department vide Govt. Order No. 592-HME of 2011 dated 28.10.2011. In the year 2014, the Respondent No.3 issued an advertisement notification bearing no. JMC/Es-I/GD/109/1211 dated 06.06.2014 inviting applications for posts of Registrars/Demonstrators in various disciplines including the faculty of Orthopaedics and the applicants being eligible and desirous to compete in the selection process for the posts of Registrar submitted advance copies of their duly filled application forms along with required testimonials with the Respondent No. 3. As per the advertisement notice, the in-service doctors are to route their

application form to the administrative department and, as per the condition 3, the candidates will be permitted to participate in the selection process only with the prior permission of the administrative department and in this regard, the applicants approached the Respondent No. 2 for the purpose of forwarding their applications forms to the Respondent No. 3, but till date the Respondent No.2 has not forwarded the application forms of the applicants.



2. We have heard Mr. Mudasir Bin Hassan, learned counsel for the applicants and Mr. Rajesh Thappa, learned D.A.G for the respondents and perused the records.

3. The applicants have filed the instant petition seeking a direction to Respondent No. 1 and 2 to forward the application forms of the applicants to Respondent No. 3 and issue No Objection Certificate to applicants enabling them to compete in the selection process for the post of Registrars in the faculty of Orthopaedics in Govt. Medical College, Jammu. We are of the view that respondents need to take a decision as to whether N.O.C. can be issued to the applicants or not.

4. Accordingly, we dispose of the T.A. with direction to the competent authority amongst the respondents to consider the prayer of the applicants for issuance of N.O.C. to compete in the selection process for the post of Registrars in the faculty of Orthopaedics in Govt. Medical College, Jammu as per rules and regulations. In case, the applicants are eligible for N.O.C., the same be granted to them and if they are found to be ineligible, the respondents need to pass a reasoned and speaking order in this regard within a month from the date of receipt of certified copy of this order.

5. It is made clear that we have not entered into the merits of the case.

6. There shall be no orders as to cost.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Arun