

**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.8860/2020
(SWP No.1980/2019)

Tuesday, this the 30th day of March, 2021

(Through Video Conferencing)

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

Ashiq Hussain Allai
Aged 33 yers, s/o Bashir Ahmd Allie
R/o Odura District Kulgam

..Applicant

(Mr. I.A. Parray, Advocate)

VERSUS

1. State of J&K through Commissioner/Secretary to Government Industries and Commerce Department, Civil Secretariat, Srinagar.
2. J&K Services Selection Board, Zum Zum Complex Srinagar through its Chairman.
3. Secretary, J&K Services Selection Board J&K, Srinagar.

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The Jammu & Kashmir Services Selection Board, the 2nd respondent herein, issued an advertisement dated 28.12.2012 for various posts, including the post of Inspector, Industrial Cooperative Society (INDUSCOS), Industries & Commerce





Department. The qualification stipulated for the post was “Commerce Graduate with diploma in Industrial Cooperative Management from recognized Institute”. The applicant responded to the notification. When his candidature was not considered, he filed SWP No.982/2017 before the Hon’ble High Court of Jammu & Kashmir. The same was disposed of on 15.12.2017, directing the 2nd respondent to intimate the applicant about the status of the selection. in pursuance of the notification, within six weeks. Stating to be in compliance with that, the 2nd respondent passed an order dated 07.02.2019 mentioning that the applicant was declared ineligible since he did not possess the prescribed qualification of Diploma in Industrial Cooperative Management from a recognized University.

2. Challenging that, the applicant filed SWP No.1980/2019 before the Hon’ble High Court. He pleaded that though the advertisement mentioned the qualification of “Commerce Graduate with diploma in Industrial Cooperative Management from a recognized University”, the Diploma in Cooperative Management from Jammu & Kashmir Cooperative Union was treated as adequate, in the previous round of selection, and one Junaid Kaiser was appointed with such a qualification. Various other grounds are also urged.

3. The SWP has since been transferred to this Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.8860/2020.



4. The T.A. was heard in part earlier. Today, we heard Mr. I A Parray, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General, in detail.

5. The qualification stipulated, in the advertisement dated 28.12.2012, for the post, reads as under:-

“Commerce Graduate with Diploma in Industrial Cooperative Management from recognized Institute.”

6. There is no denial of the fact that the applicant holds the Graduation in Commerce. In fact, he is a Postgraduate also. The issue in the present T.A. is as to whether the applicant holds the ‘Diploma in Industrial Cooperative Management’ from a recognized Institute. The applicant filed a certificate issued by the Jammu & Kashmir Cooperative Union. It says that the applicant participated in the 20th Diploma Course in Cooperative Management in November, 2007. Two aspects arise for consideration in this behalf. The first is about the equivalence and the second is whether the Jammu & Kashmir Cooperative Union can be treated as a recognized Institute. On both counts, the applicant is either silent or is evasive.



7. Even if one takes into account, the certificate issued by the Jammu & Kashmir Cooperative Union as valid, it is only in 'Cooperative Management' and not in 'Industrial and Cooperative Management'. Assuming that the respondents have appointed one Junaid Kaiser with similar certificate in the previous year, it cannot constitute a basis for us to compel the respondent No.2 to select the applicant, who does not hold the prescribed qualification.

8. Further, not a word is said about the fact as to whether the Jammu & Kashmir Cooperative Union is a recognized Institute. It is not even stated that any Cooperative Union was recognized by any University or any Organization to conduct such course.

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

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 30, 2021
/lg/sunil/vb/ankit/