

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No.1061/2021
(SWP No.876/2020)

Monday, this the 28th day of June, 2021

(Through Video Conferencing)

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

Umar Ahmad Bhathanji aged 28 years,
S/o Muzaffar Ahmad Bhathanji
R/o Bijebhera Anantnag.

..Applicant

(Mr. M. Ashraf Wani, Advocate)

VERSUS

1. Union Territory of Jammu and Kashmir
Through Commissioner/Secretary
Revenue Department, Civil Sectt.Jammu/Sgr.
2. Secretary J & K Service Selection Board,
Sehkari Bhawan,
Rail Head Panama Chowk Jammu/Srinagar.
3. Tehsildar Haveli, Poonch District Poonch, Jammu.
4. Tahir Parvaiz Mir, s/o Abdul Salam Mir
R/o. H. No. 290 Ward No. 17,
Mohjernaly Near dic Poonch.

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General for Mr. Amit
Gupta, Additional Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The Government of Jammu & Kashmir initiated steps for
selection and appointment for the post of Naib Tehsildar in the



year 2015. The applicant was one of the candidates. Reservation was provided in favour of other social category (OSC) also. The 4th respondent was selected for that post under OSC, through an order dated 13.05.2020. Challenging the same, the applicant filed SWP No.876/2020 before the Hon'ble High Court of Jammu & Kashmir. He prayed for quashing of the order dated 13.05.2020 and sought for writ of *mandamus* to direct the respondent Nos. 1, 2 & 3 to recommend his name for the post of Naib Tehsildar in OSC.

2. 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.1061/2021.

3. Today, we heard Mr. M Ashraf Wani, learned counsel applicant and Mr. Sudesh Magotra, learned Deputy Advocate General for Mr. Amit Gupta, learned Additional Advocate General.

4. The applicant was not successful for selection to the post of Naib Tehsildar in OSC. It is brought to our notice that the name of the applicant figured immediately after that of 4th respondent. The applicant has challenged the very social status of 4th respondent. According to him, the 4th respondent does not fit into the OSC and the certificate issued to him is not factually or legally



correct. If that is so, the applicant has to pursue the remedy *vis-à-vis* certificate issued to 4th respondent. As long as the certificate issued by the competent authority with regard to social status of an individual remains, the selecting agency has no alternative, except to act upon it.

5. It is brought to our notice that the applicant has initiated steps for challenging the certificate that was issued to 4th respondent, conferring upon him the status of OSC. Having done that, the applicant has to await the outcome of the proceedings. The SWP, and thereby the T.A., as it stands now, is premature.

6. We, therefore, close the T.A., leaving it open to the applicant to pursue the remedy depending upon the outcome of the challenge made by him to the social status of 4th respondent. It is needless to mention that in case it emerges that the 4th respondent does not fit into the OSC in the context of selection to the post of Naib Tehsildar, that was initiated in the year 2015, the next candidate in the order of merit needs to be considered. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

June 28, 2021
/sunil/mbt/sd/dsn/