



**Central Administrative Tribunal  
Jammu Bench, Jammu**

T.A. No. 1836/2021  
(SWP No. 1245/2010)

Thursday, this the 29<sup>th</sup> day of July, 2021

(Through Video Conferencing)

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

Mohd Ayoub Beg, Age 35 years  
S/o Ab. Rehman Beg  
R/o Mohipora, District Kulgam

...Applicant

(Nemo for applicant)

**Versus**

1. State of Jammu and Kashmir  
Through Principal Secretary to Govt.  
Health and Medical Education Department  
Civil Secretariat  
Srinagar
2. J&K Services Selection Board  
through its Secretary  
Zum Zum Building,  
Srinagar/Rail Head Complex,  
Panama Chowk, Jammu
3. Chairman, J&K Services Selection Board  
Zum Zum Building,  
Srinagar/Rail Head Complex,  
Panama Chowk, Jammu
4. Director, Health Services Department,  
Kashmir, Srinagar
5. Musavir Ahmad Dhobi  
S/o Mohd. Ismail Dhobi  
R/o Main Market Yaripora, Kulgam

...Respondents

(Mr. Rajesh Thappa, Deputy Advocate General for  
respondent Nos. 1 to 4 – Mr. S A Makroo, Senior Advocate  
for respondent No.5)

**ORDER (ORAL)****Mr. Justice L. Narasimha Reddy:**

The Jammu & Kashmir Services Selection Board initiated steps for appointment to the post of Driver in the Kulgam District Cadre of Health Department of Jammu & Kashmir. The applicant, respondent No.5 and several others responded. On conclusion of the selection process, a provisional selection list was published. The name of the applicant figured at Sl. No.1 in the waiting list. It is stated that the name of respondent No.5 did not figure in the provisional list at all and despite that, his name was included in the final selection list without any basis. The applicant filed SWP No.1245/2010 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to quash the order dated 17.03.2010, through which the name of respondent No.5 was included at Sl. No.6 in the selection list. The applicant contends that when the respondent No.5 did not figure in the provisional selection list at all, there was absolutely no basis for including him in the main selection list.

2. The official respondent Nos. 1 to 4 as well as respondent No.5 filed separate counter affidavits. According to them, several objections were received to the provisional selection list; one of them being from respondent No.5 and after verification of the records and marks, it was found that



the respondent No.5 ought to have been included in the selection list and accordingly, the impugned order was passed. It is stated that the applicant has no *locus standi* to file the T.A., particularly when it is not a case where the size of the selection list was expanded.

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.1836/2021.

4. Today, there is no representation for the applicant. We perused the record and heard the arguments of Mr. Rajesh Thappa, learned Deputy Advocate General for respondent Nos. 1 to 4 and Mr. S I Makroo, learned senior counsel for respondent No.5.

5. The selection process for the post of Driver commenced about a decade ago. In the provisional selection list, several names were included, but the name of the respondent No.5 did not appear. Name of the applicant figured in the waiting list. The very purpose of publishing the provisional selection list is to invite objections and then to consider them. The objections made by the respondent No.5 were examined and on finding that he secured higher marks, he was included in the provisional selection list, duly displacing the last candidate.



6. The applicant did not suffer any detriment on account of that. He could have a genuine grievance, if only the size of the selection list was enlarged, which, in turn, would have marred the chance of his being appointed. As long as the size of selection list remains the same, it should not make any difference for the applicant whether one person or the other figures in that list. If at all anyone, it was the one, who was replaced by the applicant, that could have felt aggrieved. He did not choose to challenge his exclusion.

7. We do not find any merit in the T.A. It is accordingly dismissed. Accordingly, the interim order is vacated. The respondent Nos. 1 to 4 shall ensure that the order dated 17.03.2010 is given effect. There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**July 29, 2021**  
**/sunil/jyoti/daya/**