

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No. 3492/2020
(S.W.P. No. 888/2014)

With

T.A. No. 3495/2020
(S.W.P. No. 591/2014)

With

T.A. No. 3499/2020
(S.W.P. No. 505/2014)

Monday, this the 05th day of April, 2021

(Through Video Conferencing)

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

T.A. No. 3492/2020

1. Mohd Yousuf War,
S/o Ab Ahad War, Aged 36 years,
R/o Rohamam-Rafiabad,
District Baramulla.
2. Javid Ahmad Bhat,
S/o Mohd. Yousuf Bhat,
Aged 26 years,
R/o Rohamam-Rafiabad, District Baramulla.
3. Mudasir Iqbal Waza,
S/o Ab Aziz Waza,
Aged 24 years,
R/o Rohamam-Rafiabad, District Baramulla.
4. Shafqat Majid,
D/o Ab. Majid Rather, R/o Watergam
Rafiabad Baramulla Aged 25 years.
5. Anissa Rashid Khan,
D/o Ab. Rashid Khan,
R/o Shalpora-Arampora, Sopore Aged 24 years.

6. Bashir Ahmad Lone,
S/o Gh. Nabi Lone,
R/o Muslimabad,
Khousipora, Rafiabade,
Baramulla, Aged 34 Years.

..Applicants

(*Nemo* for the applicants)

VERSUS

1. State of Jammu and Kashmir through,
Commissioner/Secretary Education Department,
New Secretariat, Srinagar/Jammu.
2. Chairman Service's Selection Board Srinagar/Jammu.
3. Secretary Service's Selection Board Srinagar/Jammu.

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

T.A. No. 3495/2020

1. Sumaira Shah, Age 31 years, D/o Shabir Ahmad Shah,
R/o Wagoora District,
Baramulla.
2. Mursaleen Hussain Badroo, age 30 years,
D/o Mohammad Hussain Badroo, R/o New Colony,
H. o. 105A Sopore.
3. Shazia Bashir Khan, age 32 years,
D/o Bashir Ahmad Khan, R/o Lorihamma,
Yedipora, Baramulla.
4. Hirra Altaf, age 32 years, D/o Altaf Ahmad Moon,
R/o 16-New Colony, Sopore.

..Applicants

(*Nemo* for the applicants)

VERSUS

1. State of J&K through Commissioner/Secretary to Govt.
General Administration Department, Civil Secretariat,
Srinagar/Jammu.
2. Jammu & Kashmir Services Selection Board, through its
Chairman, Srinagar/Jammu.



3. Chairman, J&K Services Selection Board, Jammu/Srinagar.
4. Secretary, J&K Services Selection Board, Srinagar.

..Respondents
(Mr. Rajesh Thappa, Deputy Advocate General)



T.A. No. 3499/2020

1. Farhat Ara (33 years),
D/o Mohammad Akbar Pathan,
R/o Kanlibagh Baramulla, (M.A., M.Ed.).
2. Mahjabeen Akhter (age 36 years),
S/o Ghulam Mohi-ud-din Darzi,
R/o Tawheed Gunj Baramulla (M.A. M.Ed.)

..Applicants
(None for applicants)

VERSUS

1. State of Jammu and Kashmir through, Commissioner/Secretary to Govt. Education Department, Civil Sectt., J&K, Jammu/Srinagar.
2. Service Selection Board through its Secretary, Jammu/Srinagar.

..Respondents
(Mr. Rajesh Thappa, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

As common question of facts and law arise in these T.As., they are being disposed of, vide this common order.

2. The Education Department of Jammu & Kashmir issued notifications in the year 2013, inviting applications for selection to the post of Teacher. The applicants herein responded to the



same, and they have participated in the written test, conducted for this purpose. The applicants contend that though their names are included in the shortlist of candidates published on 15.01.2014, they were not selected at a later stage. They further contend that several irregularities have taken place in the selection process and that resulted in their non-selection. They filed SWP Nos. 888/2014, SWP No. 591/2014 and SWP No. 505/2014 respectively, before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondents to adhere to the process of selection strictly and to call them for interview in respect of notifications Nos.2, 3 & 5 of 2013. The applicants contend that once their names were included in the shortlist, there was absolutely no basis for not interviewing them and that the respondents are totally at fault.

3. In these T.As., the respondents filed separate, but similar counter affidavits. It is stated that the notification Nos. 2, 3 & 5 issued in the year 2013 are separate and with different purport, but inadvertently the candidates, who responded to one notification, were shown in the select list referable to another notification; and thereby some mistake has crept in. They contend that the mistakes were later on corrected and the selections were made strictly in accordance with the norms.

4. These SWPs have since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and

renumbered as T.A. Nos. 3492, 3495 & 3499 of 2020, respectively.



5. Today, there is no representation for the applicants. We heard Mr. Rajesh Thappa, learned Deputy Advocate General; and perused the records.

6. It is not in dispute that the applicants responded to the notifications issued by the Government of Jammu & Kashmir for selection to the post of Teacher. The circumstances under which the three consecutive notifications came to be issued for the same post in the same year are not immediately before us. Further, it is not clear as to whether the form submitted by the applicants in respect of one advertisement was treated as holding good for remaining advertisements also. In the list of candidates, successful in the written test published by the respondents, the names of the applicants were included. In the normal course, the candidates so included were required to be interviewed. However, the substantial change has taken place.

7. The respondents state that a serious mistake has crept in the process, leading to inclusion of the names of the candidates, who responded to one notification, in the list, referable to another notification. The result is that the shortlist, though published, was found to be wrong. After correction of mistake, it



so happened that the applicants were not shown in the list of short-listed candidates, referable to the advertisement, to which they responded. We are almost handicapped from the fact that the applicants are not clear as to what exactly are the notifications to which they responded to. It is not even pleaded that an application made for one notification holds good for others also. Selection took place way back in the year 2014 and we find it difficult to deal with the issue in detail, at this stage, under the circumstances, which is now prevailing.

8. We do not find any merit in these T.As. They are accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 5, 2021
/sunil/ankit/dsn