

GOVERNMENT OF JAMMU AND KASHMIR
JAMMU AND KASHMIR SERVICES SELECTION BOARD
CPO Chowk Panjirthirti, Jammu/Zamzam Complex Rambagh, Srinagar
(www.jkssb.nic.in)

Subject: Directions of the Hon'ble Central Administrative Tribunal, Srinagar, in OA No. 318/2023 titled Umar Farooq & Ors Vs UT of J&K & Ors- Consideration Order thereof.

Order No. 148 -SSB of 2023
Dated: 04.08.2023

Whereas, the applicants have filed the instant OA bearing No. 318/2023 titled Umar Farooq and Ors Vs Union Territory of J&K and Ors. before the Hon'ble Central Administrative Tribunal (CAT), Srinagar, seeking therein the following relief:

- i. That the Board has kept the recommendations of 142 candidates withheld without any reason or rhyme and the same may be cancelled.*
- ii. That their candidature should be considered against these 142 cases by operating 'next in order of merit'.*

Whereas, the Hon'ble CAT, Srinagar, upon consideration of the matter on 19.04.2023, has disposed of the above titled OA, as under:

"In view of the limited prayer made by learned counsel for the applicants, this OA is disposed of with the direction to the respondents to consider the representation of the applicants dated 28-03-2023 and decide the same as per rules governing the field within six weeks from today by passing a reasoned and speaking order."

Whereas, in light of the Order passed by the Hon'ble Central Administrative Tribunal, the case of the applicants has been examined as per the available record and extant rules; and

Whereas, the J&K Services Selection Board, (JKSSB), vide No. SSB/Secy/Sel/Class-IV/2021/6202-09 dated 06.10.2022, under Phase-II, notified the Final Selection List for remaining 3422 Class-IV posts in various District/Division/UT Cadres, advertised vide Notification No. 01 of 2020 dated 04.06.2020; and

Whereas, in terms of the extant rules, the minimum and maximum qualification prescribed for these Class-IV posts was 10th and 12th respectively; and

Whereas, the case of the applicants that the Board has kept the recommendations of 142 candidates withheld without any reason or rhyme is sheer misrepresentation of facts, as these cases have been kept withheld for want of

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clarification with regard to the maximum qualification possessed by these candidates and the same is indicated in the remarks column against each of these candidates; and

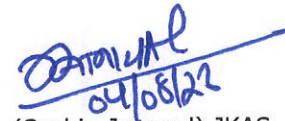
Whereas, these withheld cases are currently under examination in the JKSSB and an informed decision, as per the available records, will be taken subsequent to the obtaining of clarification and observing of the due procedure; and

Whereas, further the case of the applicants that the candidature of the above-mentioned withheld cases of 142 candidates may be cancelled which may pave a way for selection for the candidates figuring *next in order of merit* is again misplaced as there are no provisions which would allow the JKSSB to include in the already finalized Selection List a candidate figuring next in order of merit by cancelling a withheld recommendation; and

Whereas, the candidature of the candidates whose recommendation is kept withheld cannot be *ipso-facto* cancelled until the Board is not satisfied that these candidates have concealed the material facts and are not in possession of prescribed qualification/eligibility.

Now therefore, the claim of the applicants, having been considered in deference to the Order passed by the Hon'ble Central Administrative Tribunal, Srinagar, in OA No. 318/2023 titled Umar Farooq and Ors Vs Union Territory of J&K and Ors and examined in light of the extant rules/regulations, is found devoid of merits and, hence rejected.


By Order.


04/08/23

(Sachin Jamwal) JKAS

**Secretary
J&K Services Selection Board**

No. JKSSB-LEG/181/2023-03(E-7182591)

 Dated: 04.08.2023

Copy to:

1. Commissioner/Secretary to the Government, General Administration Department.
2. Ld. Counsel, J&K Services Selection Board.
3. Deputy Legal Remembrancer, Jammu/Kashmir.
4. Private Secretary to the Chairman, JKSSB.
5. Order file.