

**GOVERNMENT OF JAMMU AND KASHMIR,
J&K SERVICES SELECTION BOARD,
CPO Chowk, Panjtirithi, Jammu, Zam Zam Complex Rambagh,
Srinagar
(www.jkssb.nic.in)**

**Order No: 09 SSB of 2024
Date: - 05 .01.2024**

Subject: O.A No. 61/1476/2023 titled Sushil Kumar V/s UT of J&K and others.

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Whereas, the Jammu and Kashmir Services Selection Board advertised the posts of Data Entry Operator, Election Department UT Cadre advertised vide Advertisement Notification No. 04 of 2020 dated 16.12.2020, Item No. 98; and

Whereas, the J&K Services Selection Board conducted the written examination of the candidates/applicants and the successful candidates were called for Document Verification as per the criteria adopted by the Board; and

Whereas, the J&K Services Selection Board vide notification no. JKSSB-COE0EXAM(UT)/76/2023-03(7291629) dated 13.10.2023 issued the provisional Selection List of the candidates for the aforesaid posts; and

Whereas, in the meantime, the applicant filed an Original Application (OA), bearing No. 1476/2023 before the Hon'ble Central Administrative Tribunal, Jammu Bench, and upon consideration of the matter on 10.11.2023, the Hon'ble Central Administrative Tribunal, Jammu Bench disposed of the case with the following directions:-

"the Original Application is disposed of at the admission stage, without entering into the merits of the case with a direction to respondents to treat a copy of this Original Application as representation of the applicant and decide the same by passing a reasoned and speaking order. While taking a decision in the matter, the respondents should also consider the judgments of Hon'ble Supreme Court, Hon'ble High Court of Jammu and Kashmir and orders of this Tribunal annexed with the Original Application. The applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of four weeks from the date of receipt of a certified copy of this order."

Whereas, in compliance to the directions passed by the Hon'ble Tribunal the case of the applicant was considered and found that the applicant has produced the domicile certificate which has been issued to the applicant on 01.02.2021 i.e after the cutoff date 31.01.2021 and has been declared Not Eligible for not possessing the requisite within date domicile certificate on the date of filing of application form; and



Whereas, the Hon'ble Supreme Court in case titled **Rakesh Kumar Sharma vs. State (NCT of Delhi) and others, (2013) 11 SCC 58**, wherein it has held that the cutoff date for acquiring the qualification advertised is the last date of application. The Hon'ble Supreme Court in Para 11 has held as under:-

“There can be no dispute to the settled legal proposition that the selection process commences on the date when applications are invited. Any person eligible on the last date of submission of the application has a right to be considered against the said vacancy provided he fulfils the requisite qualification.”


A three-Judge Bench of Hon'ble the Supreme Court in case titled **M.V Nair v. Union of India, (1993) 2 SCC 429** has held as under:-

“It is well settled that suitability and eligibility have to be considered with reference to the last date for receiving the applications, unless, of course, the notification calling for applications itself specifies such a date.” In case titled **Harpal Kaur Chahal v. Director, Punjab Instructions, (1995) Supp 4 SCC 706** Hon'ble the Supreme Court in para 2 has held as under:- *“2. ... It is to be seen that when the recruitment is sought to be made, the last date has been fixed for receipt of the applications. Such of those candidates, who possessed of all the qualifications as on that date, alone are eligible to apply for and to be considered for recruitment according to the rules.”* As per the settled proposition of law, a candidate/applicant has to comply with all the conditions/eligibility criteria as per the advertisement notice before the cut-off date mentioned therein unless extended by the recruiting authority.

Whereas, the representation of the applicant has been considered in light of directions passed by the Hon'ble Tribunal and the applicant has been called vide notice no. JKSSB-LEG/364/2023-03(E-7334501) dated 01.01.2024 and afforded an opportunity of hearing on 03.01.2024 and the facts explained to him.

Now therefore, in view of aforesaid facts and in due deference to the order dated 10.11.2023 passed by the Hon'ble Central Administrative Tribunal, Jammu Bench, the case of the applicant has been considered and found devoid of any merit, hence rejected.

By Order


05/01/24
Secretary,
J&K Services Selection Board,
Jammu.

No. SSB/Legal/2024/ 25-31
Copy for information to:-

Dated: 05 . 01.2024

1. Commissioner/Secretary to Government, General Administration Department, Civil Secretariat, Jammu.

2. Commissioner/Secretary to Government, Election Department, Civil Secretariat, Jammu.
3. Sh. Sudesh Magotra, Ld Additional Advocate General, J&K High Court, Jammu/Hon'ble CAT, Jammu.
4. Deputy Legal Remembrancer, J&K Services Selection Board, Jammu.
5. Private Secretary to Chairman for information to the Chairman.
6. I/C website
7. Applicant concerned for information