

GOVERNMENT OF JAMMU AND KASHMIR,
J&K SERVICES SELECTION BOARD,
Zum Zum Complex, Ram Bagh, Srinagar.
(www.jkssb.nic.in)

Order No- 355 SSB of 2018

Dated- 03-07-2018

Subject: - SWP No. 1080/2014 titled Showkat Ahmed Gilkar Vs State and ors.

- 1) Whereas, the Services Selection Board has advertised 237 posts of Teacher District Cadre Srinagar vide notification No. 03 of 2012, dated 28.12.2012 Item No. 330 in the following breakup:

Item	Deptt.	post	Cadre	OM	RBA	SC	ST	ALC	OSC	Total	Prescribed qualification
330	Education	Teacher	Srinagar	138	48	19	23	04	05	237	10+2 preference will be given to higher qualification and those having passed M. Ed. /B. Ed. And diploma in ETT/NTT

- 2) Whereas, the petitioner applied for the post of Teacher in district cadre Srinagar pursuant to notification no. 03 of 2012 dated 28.12.2012 and while filling the form for the said post the petitioner sought his consideration against the said post under SC category and bubbled the SC category column in application form and petitioner while sitting in written examination marked his candidature under OSC category in OMR answer sheet; and
- 3) Whereas, on 22.05.2014 Services Selection Board issued select list of teachers for district cadre Srinagar and petitioner could not figure in the selection list as his candidature was considered under OM category; and
- 4) Whereas, petitioner aggrieved of not finding his name in final select list approached Hon'ble High Court through the medium of SWP No. 1080/2014 seeking directions against respondents to consider his

candidature under OSC category and recommend/appoint the petitioner under OSC category, etc,etc; and

- 5) Whereas, SWP No. 1080/2014 has been finally disposed of by the Hon'ble High Court vide judgement dated 14/11/2017. The operative part of the judgement dated 14/11/2017 is reproduced as under:

"Viewed thus, petition is allowed. Respondent Board is directed to include petitioner in order of merit at serial no 2 in the list of candidates under category "OSC" and to recommend him for appointment as against 5th vacancy which now otherwise is available in view of resignation tendered by respondent no. 8. Thereafter respondent Education Department on acceptance of recommendation, to issue appointment order in favour of petitioner. If issued shall be given effect notionally from the date other candidates in the category OSC have been appointed. This exercise shall be undertaken and completed within a period of four weeks for today.

Petition accordingly succeeds, shall stand disposed of."

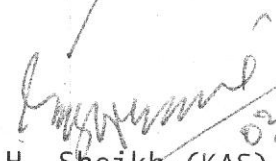
- 6) Whereas, the judgement of the Hon'ble High Court dated 14/11/2017 was examined and considered and matter was taken up with GAD vide this Board letter dated 15/03/2018 for taking up the matter with Department of Law, Justice and Parliamentary Affairs for accord of sanction for filing of LPA in the matter; and

- 7) Whereas, in response to communication dated 15/03/2018, GAD vide letter No. GAD (Legal)F-153/2018/740 dated 09/05/2018 intimated that matter was taken with the Department of Law, Justice and Parliamentary Affairs who vide their U.O No. LD(Lit)2014/87-GAD dated 12/04/2018 has opined as under:

"Returned, the judgment/order dated 14/11/2017 passed by the Hon'ble High Court of Jammu and Kashmir at Srinagar in SWP no. 1080/2014 is well reasoned and merits to be implemented in the interests of justice. There are no cogent grounds available in the departmental file to assail the judgment in appeal."

- 8) Whereas, after examining the records, it transpired that the petitioner secured **65.3277 points** and last candidate selected in OSC category was selected on **61.7397 points** and if petitioner is considered under OSC category, he falls in merit list under OSC category.

Now therefore, in compliance to the order of Hon'ble High Court dated 14.11.2017, passed in SWP No. 1080/2014, read with the opinion tendered by the General Administration Department petitioner namely Mr. Showkat Ahmed Gilkar S/O Mohd Yousuf Gilkar R/O Khalil Colony Soura Srinagar is hereby recommended to the post of Teacher under OSC category against S.No 5 under OSC category who has resigned from the post. However, the other terms and conditions shall remain same as already conveyed in the selection list vide Letter No. SSB/Sel/Secy/014/4068-74 dated 22/05/2014.


G.H. Sheikh (KAS)
Secretary,
Services Selection Board,
Srinagar.

No: SSB/S-33/2014/927-930.

Dated: 3/7/18.

Copy to:-

1. *Commissioner Secretary to Government, General Administrative Department, Civil Secretariat, Srinagar.*
2. *Secretary to Government, School Education Department, Civil Secretariat, Srinagar.*
3. *Private Secretary to Chairman for information to the Learned Chairman*
4. *I/c website*