

GOVERNMENT OF JAMMU AND KASHMIR
J&K SERVICES SELECTION BOARD,
MUTHI, AKHNOOR ROAD, JAMMU / ZAM ZAM COMPLEX RAMBAGH
SRINAGAR
(www.jkssb.nic.in)

Order No.: 58 -SSB of 2026
Dated: 17.02.2026

Sub: O.A 2035/2025 titled Peerzada Zubair Ul Anwar and others Vs UT of J&K and Others- consideration order thereof.

Whereas, the aforesaid case was filed by the applicants (31 in no.) before the Hon'ble Central Administrative Tribunal, Jammu challenging/seeking following reliefs:

"Allow the Original Application.

Quash Impugned Provisional Selection List dated 05.12.2025 issued vide notification no. JKSSB-Scry/35/2025-03 (E-7802335) by respondent no. 2/JKSSB, being illegal, arbitrary and contrary to settled position of law.

Declare that Rule 172-A and 172-C of the Police Rules, 1960 and Rule 4 of the J&K Reservation Rules, 2005, provide for compartmental horizontal reservation. Consequently, direct the respondent no. 2/JKSSB to re-draw the Select List by strictly applying compartmental horizontal reservation.

Quash Rule 4 of the J&K Reservation Rules, 2005, if held to be applying overall horizontal reservation being ultra vires the constitution of India.

Alternatively, and without prejudice, if overall horizontal reservation is to be applied, the respondent no. 2/JKSSB be directed to redraw the Select List by migrating more meritorious candidates of horizontal reserved categories, falling within their respective vertical categories, into the Open Merit horizontal reservation slots, as per the settled principles of law."

Whereas, the matter was listed before the Hon'ble Central Administrative Tribunal, Jammu who vide order dated 22.12.2025 passed the following interim directions:

'Miscellaneous Application No. 1937/2025

The present Miscellaneous Application filed by the applicants under Rule 4(5) of the Central Administrative Tribunal (Procedure) Rules, 1987,



seeking permission to join and pursue the Original Application (O.A.) collectively, is allowed.

Accordingly, the applicants are hereby granted permission to join and proceed with the Original Application collectively.

Original Application No. 2035/2025

Notices be issued to the respondents, returnable on or before the next date of hearing.

Mr. Rajesh Thapa, Id. A.A.G. appears and waives notices on behalf of the respondents.

Respondents shall file reply within four weeks, furnishing an advance copy of the same to applicants' counsel.

Respondents are directed to consider the case of the applicants for application of horizontal reservation in the light of judgment passed by the Hon'ble Supreme Court in the case titled "Saurav Yadav and Ors. v. State of Uttar Pradesh and ors. (2021) 4 SCC 542" in MA No. 2641/2019 in SLP(C) No. 23223 of 2018 with WP(C) No. 237 of 2020, decided on 18.12.2020.

List on 16.02.2026.

It is made clear that, final selection, if any, would be subject to final outcome of this OA."

Whereas, before considering the case of the applicant, it is imperative to give brief facts, which are as under:

Whereas, the Jammu and Kashmir Services Selection Board (JKSSB) received an Indent from Home Department vide No. Home/PNG/268/2022(CC-7040944) dated: 27-06-2024 for filling up vacancies under direct recruitment for 4002 number of posts of Constables and accordingly advertised the following posts of Constables, Home Department, vide Notification No. 01 of 2024, dated: 16-07-2024 with the following breakup:

Name of Post	Item No.	Cadre of Post	OM	SC	ST1	ST 2	OB C	RBA	ALC /IB	EW S	TOTAL
Constable (Armed /IRP)	01	UT	675	135	169	169	136	169	67	169	1689
Constable (SDRF)	02	UT	40	08	10	10	08	10	04	10	100
Constable (Executive)	05	Division Jammu	499	100	125	125	100	125	50	125	1249
Constable (Executive)	06	Division Kashmir	176	35	44	44	35	44	18	44	440

Constable (Telecommunication)	03	UT	201	41	50	50	40	50	20	50	502
Constable (Photographer)	04	UT	09	02	02	02	02	02	01	02	22
Total											4002

Whereas, the JKSSB conducted written examinations (OMR based) for the aforesaid Posts of Constables and vide Notification No. JKSSB-COE0EXAM(UT)/36/2024-03 (7593651) dated: 15-01-2025, notified the result/scoresheet for the posts of Constable (SDRF/IRP/Armed/Executive), Item Nos. 01, 02, 05, 06 for which the OMR written examination was conducted on 01-12-2024; and

Whereas, the written test is to be followed by Physical Standard Test (PST)/Physical Endurance Test (PET). As approved by the Board, after the conduct of written examination, the JKSSB vide Notice No. JKSSB-COE0EXAM(UT)/36/2024-03 (7593651) dated: 29-07-2025, notified the list of 28124 shortlisted candidates for 3478 number of posts of Constables (Armed/IRP/SDRF/Executive), Item Nos. 01, 02, 05, 06; and

Whereas vide notification dated 13.10.2025, candidates who qualified the PET/PST and falling within the consideration zone were called for Document Verification in the months of October and November 2025, which was held at both the Jammu and Srinagar offices of JKSSB; and

Whereas, as approved by the Board, a selection committee was constituted for preparing the Selection List for these 3478 posts in J&K Police of Home Department, advertised vide Notification No. 01 of 2024 dated 16.07.2024; and

Whereas, the said Selection Committee, upon scrutiny of the Indent/ advertisement, prepared the Provisional Selection List for 3478 post of Constables in accordance with the *Merit/ Eligibility and preference* of the candidates as per the extant rules and the same was placed in the Board in its 329th Meeting, held on 03.12.2025, which after due deliberations and consideration of the matter, approved its notification. Accordingly, vide JKSSB-Scry/35/2025-03 (E-7802335) Dated: 05.12.2025, the Provisional Selection List of the candidates for 3478 posts in J&K Police of Home Department, advertised vide Notification No. 01 of 2024 dated 16.07.2024, item nos. 01, 02, 05 and 06, was notified; and

Whereas, it is pertinent to mention that the Advertisement Notification specifically provides for Horizontal Reservation for Ex-Serviceman, Women, SPO's and VHGs in pursuant to S.O No. 361 of 2021, S.O 288 of 2022 dated 14.06.2022, S.O 339 of 2024 dated 19.06.2024 respectively. Further, the Horizontal Reservation is the reservation that would cut across the vertical reservation and the person

selected shall have to be placed in the appropriate category by making necessary arrangements; and

Whereas, the petition of the applicants was examined in light of judgment passed by the Hon'ble Supreme Court of India in ***SLP (Civil) No. 23223 of 2018 titled Saurav Yadav and others Vs State of U.P and others*** where the Hon'ble Court held that groups considered under the Reserved Categories cannot be excluded from the available seats from the Open Category or General category just because they belong to reserved category. If they qualify the merit they can be appointed under the Open Category. The opportunities to the public employment and selection of candidates must be purely based on merit, be it under the Social or Special Reservation. The women of all the categories are entitled to be considered under the Open category or Social Category.

Whereas, the JKSSB applied the law laid down by the Hon'ble Apex court were ever applicable for selection to the posts of Constable, J&K Police, Home Department; and

Whereas, it is emphasized that the selection made by the JKSSB for the aforesaid posts of Constables, J&K Police, Home Department is a multiple cadre and Item posts for which the combined written examination was conducted for the convenience of all the eligible candidates where the qualification for the post is common. Accordingly, different Selection Lists for multiple cadres were framed in accordance with the merit and preference of the candidates. Pertinent to mention that JKSSB is following the MRC principle in toto, if a candidate belonging to the reserved category gets more marks than the General category candidate then the reserved category candidate will migrate to the general category and the slot created thereby will be filled by the next eligible reserved category candidate. But the situation is inevitably different if a reserved category candidate exercises his right of preference, in that scenario if the candidate does not get his preferred cadre/item in the general category, then for that he is considered in his reserved category and the same is in consonance with the reservation policy and law laid down by the Hon'ble Courts from time to time. Further, the present selection is of multiple Items/Cadre selections which is different from the Combined Competitive Selections where only one selection list is framed by the JKPS; and

Whereas, to the extent of horizontal reservation it is clarified that 6% reservation for Ex-Servicemen is provided in Rule 4 of the J&K Reservation Rules, explanations to which provides as under:

Explanation (A): - The horizontal reservation to the extent of 6% of the **available vacancies** shall be provided to the Ex-servicemen against such posts only where the maximum of the pay scale does not exceed Rs. 10,500/-



Explanation (B):- For purposes of clause (d) and (e), the horizontal reservation means the reservations which would cut across the vertical reservation (what is called interlocking reservation) and the person selected against the physically challenged quota will have to be placed in the appropriate category viz if he/she belongs to the scheduled caste category, he/she will be placed in that quota by making the necessary adjustment and similarly if he/she belongs to the open competition category, he/she will be placed in that category.

Whereas, the inference has been drawn from the J&K Reservation Rules, 2005 that the Horizontal Reservation is applicable to the extent of prescribed percentage of the available vacancies referred to the recruiting agencies for direct recruitment and applicable uniformly. Accordingly, the Government of J&K amended the Police Rules and provides Rule 172-A and 172-C which are read as under:

Rule 172-A provides for Reservation of vacancies for women:

Horizontal reservation to the extent of 15% of the **available vacancies** in direct recruitment shall be earmarked for Women candidates in non-gazetted ranks. The quota so reserved shall not be carried forward to the subsequent year, in case suitable women candidates are not available.

Rule 172-C provides for Reservation of vacancies for SPOs and Volunteer Home Guards (VHG's):

Horizontal reservation to the extent of 15% of the **available vacancies** for SPOs and 4% of available vacancies for Volunteer Home Guards (VHG's) at the level of Constable in direct recruitment shall be earmarked in favour of the said categories having minimum three years of engagement. The quota so reserved shall not be carried forward to the subsequent year, in case eligible candidates are not available."

Whereas, the law has been settled by the Hon'ble High Court of Jammu & Kashmir and Ladakh at Srinagar in WP(C) No. 981/2024 c/w WP(C) No. 1172/2024 titled Syed Shaifta Arifeen Balkhi Vs JKPSC and others with regard to the Horizontal Reservation applicable to the available vacancies referred to the recruiting agencies by the Indenting Department which reads as under:

"17. Amended Rule 4 of J&K Reservation Rules 2005, provides for horizontal reservation of 6% and 4% to the Ex-servicemen and Physically challenged persons respectively. Explanation-B appended to Rule 4 explicitly provides that horizontal reservation would cut across the vertical reservation and the persons selected against the physically challenged quota would be placed in the appropriate category. The architectural composition of the Explanation-B appended to Rule 4 amplifies Rule 4, to the extent that the reservation provided to the physically handicapped persons is an overall horizontal reservation, when it states that if such a candidate belongs to Scheduled Caste category, he/she will be placed in that category by making the necessary adjustment and similarly, if he/she belongs to the Open Merit category, he/she will be placed in that category.



The vertical reservation under Rule 4 (supra) has been provided for the candidates belonging to Scheduled Caste, Scheduled Tribe, Socially and Educationally Backward Classes i.e. Weaker and Under Privileged Classes, Residents of Area adjoining ALC/International Border, Residents of Backward Areas, Pahari Speaking Peoples and Economically Weaker Sections. Further the roster of 100 vacancies to be filled by direct recruitment provided by Rule 5(1) of the Rules (supra) reveals that the points have been distributed amongst the categories under the vertical reservation. There are no separate points for physically challenged persons in this 100 points" roster. Office Memorandum dated 15.01.2018 relied upon by the learned Senior Counsel for the petitioner cannot come to the rescue of the petitioner, as the order dated 05.11.2021 issued by Social Welfare Department, Government of UT of Jammu & Kashmir, has only taken note of the same and thereafter the guidelines have been issued for implementation of the Reservation Rules to the persons with benchmark disabilities and as per the guidelines, the persons selected under physically challenged persons quota have to be placed in appropriate category, meaning thereby that if a candidate selected under physically handicapped persons quota belongs to SC category, he/she will be placed in that category and would occupy the SC roster point. Likewise, if a person selected under physically challenged persons quota belongs General Category, he/she will be placed in the said category and would utilise a General Category roster point. Same would be the case a selected candidate under physically handicapped persons quota belongs to other social caste or scheduled tribe category.

Thus, this court is of the considered view that the reservation of 4% provided to the physically challenged persons under the Reservation Rules of 2005, is an overall horizontal reservation and not compartmentalised horizontal reservation. The judgment relied upon by the learned Senior Counsel in case titled "Suraj Yadav vs. State of UP, (2021)" 4 SCC 542, is not applicable in the present case, as the reservation in the said case was compartmentalised horizontal reservation. 19. Ergo, the writ petition is dismissed being without any merit. 20. WP(C) No. 1172/2024 is also dismissed in the aforesaid terms."

Whereas, in compliance to the directions passed by the Hon'ble Tribunal, Jammu, the case of the applicants has been examined and it has been found that the select list has been prepared strictly in accordance with the provisions of the Jammu and Kashmir Reservation Rules, 2005, and as per the Indent duly received from the Home Department, which clearly prescribed the total number of posts as well as the applicable reservation framework. The selection committee has acted within the mandate provided and has adhered to the instructions issued by the Indenting Department at all stages of the selection process. Further, in accordance with the



conditions stipulated in the Advertisement Notice, horizontal reservation was applied, as prescribed by the rules and approved by the Home Department. The same methodology was uniformly followed for all categories, ensuring consistency, transparency, and compliance with the applicable reservation policy which has been upheld by time and again by the Hon'ble High Court and Hon'ble Supreme Court of India; and

Whereas, the selection process has been conducted strictly in conformity with Rule 172-A and Rule 172-C of the J&K Police Rules, 1960, read with Rule 4 of the Jammu and Kashmir Reservation Rules, 2005. The entire Provisional Selection List has been finalized in accordance with the statutory rules in force and the allegations of the applicants in the O.A are legally untenable and contrary to settled principles governing selections in the field and does not warrant any alteration at this stage; and

Now, therefore, in due deference to the directions dated 22.12.2025 passed by the Hon'ble Central Administrative Tribunal, Jammu in O.A No. 2035/2025 titled Peerzada Zubair Ul Anwar and others Vs UT of J&K and others, the case of the applicants has been examined and found devoid of any merit, hence rejected.

By Order.


(Atul Kumar) JKAS
Secretary
J&K Services Selection Board
Jammu.

No.: JKSSB-LEG/J/2026/(E-7821534)
Copy to the:

Dated: 17.02.2026.

1. Principal Secretary to the Government, Home Department, J&K Civil Secretariat, Jammu/Srinagar for information.
2. Commissioner/Secretary to the Government, General Administration Department, J&K Civil Secretariat, Jammu/Srinagar for information.
3. Ld. Counsel, J&K Services Selection Board.
4. P.A to Chairman for kind information.
5. Applicants concerned.
6. Order File.