

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

Order No : 141-SSB of 2025

Dated: 07.05.2025

Sub: O.A 914/2024 titled Amit Mathur Vs UT of J&K and Ors-Consideration Order thereof.

Whereas, the J&K Services Selection Board advertised the posts of Drivers/Driver-II/ Tractor Driver/Truck Cleaner vide advertisement notifications no. 07 of 2020 dated 31.12.2020, 05 of 2021 dated 05.09.2021, 02 of 2022 dated 09.02.2022, 04 of 2020 dated 27.07.2022 and 01 of 2023 dated 11.04.2023; and

Whereas, after concluding the selection process, the provisional select list was issued vide Notification No. JKSSB-Scry/4/2024-03 (E-7411217) dated 11.03.2024; and

Whereas, in the said Provisional Selection List, among other candidates, **the applicant was selected for the post of Driver under Horizontal Reservation (Ex-Servicemen)**, with details/remarks in selection given as under:

Dv. No.	Roll No.	Candidates Name	Parentage	DoB	Selection Category	Score	Department Allotted	Deficiency in Provisional Selection List
190-JMU	1010450	Amit Mathur	Madan Lal	08/04/1985	ALC/IB (ESM)	52.75	Transport	Recommendation withheld subject to clarification with regard to his max. qualification.

Whereas, it was stipulated in the Notification that in case any candidate (s) is aggrieved with this Provisional Selection List, or intends to furnish any document/ clarification regarding his withheld candidature, he /she may represent through the e-mail address driver2selection2024@gmail.com within five days from the date of issuance of Notification. In response, the applicant (Mr. Amit Mathur) has submitted an affidavit duly attested by Judicial Magistrate 1st Class, Hira Nagar in support to his withheld recommendation wherein it is affirmed that the applicant do not possess higher qualification for the post; and



Whereas, the response/ documents so received from candidates including applicant, were examined and were accordingly placed in 266th Board Meeting, which decided to keep reserved One post under ALC belonging to Item No.121, Transport Department, as no sufficient clarification was received from ESM candidate; and

Whereas, accordingly, the Board issued the Final Selection list for the post of Driver vide Notification No. 20-Selection of 2024 dated 22.05.2024; and

Whereas, feeling aggrieved, the applicant filed O.A 914/2024 titled Amit Mathur Vs UT of J&K and others and the Hon'ble Tribunal vide order dated 23.08.2024 disposed of the matter with the following operative directions:

"...In view of the above, this O.A. is disposed of with a direction to the respondents to treat this O.A. as representation of the applicant and consider the case of the applicant for issuing his appointment letter for the post of Driver Grade-II Transport Department advertised vide notification no. 04 of 2022 dated 27.07.2022 in item no. 121. As the applicant was selected and the recommendation of his appointment was withheld due to the qualification, he has submitted the affidavit regarding his higher qualification. However, the appointment letter of other candidates was issued and the same of the applicant was withheld till date. So, the respondents are also directed to take a call on his affidavit and if the applicant found eligible, then, the appointment letter be issued to him. The respondents is further directed to decide the same by passing a reasoned and speaking order. The respondents is also directed to communicate the order so passed to the applicant. 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, the Board in its 260th Board Meeting held on 15.02.2024, disposed off similar cases in Class-IV recruitment pertaining to Ex-servicemen candidates on the basis of their qualification at the time of joining of Armed Forces and the decision taken in the said Board Meeting is as under:

"The Board perused the record placed before it and observed that the withheld recommendations of the candidates, can be considered for release as these candidates were under Matric as on joining the Armed Forces. As regards the remaining candidates, the available record clearly indicates that they were Matriculate or higher qualified as on joining the Armed Forces and, therefore, in terms of the ESM Rules, can be considered as Graduates, and as such, are hit by the higher qualification bar in respect of these Class-IV posts.

Accordingly, the Board decided that while the recommendations of the candidates who, as per the available record, were under matric as on joining the



Armed Forces shall be released, the remaining candidates shall be given a Notice to explain their position before taking a final decision on their withheld candidature."

Whereas, the Rule 5(1) of SO 361 dated 20.10.2021 specifically provided as under:-

Special provision regarding educational qualification .- (1) For appointment to any reserved vacancy, a matriculate ex-serviceman (which term includes an ex-serviceman, who has obtained the Indian Army Special Certificate of Education or the corresponding certificate in the Navy or Air Force); who has put in not less than 15 years of service in the armed Force may be considered eligible for appointment to the posts for which the essential educational qualification prescribed is graduation and where:

- a) work experience of technical or professional nature is not essential, or
- b) though non-technical professional work experience is prescribed as essential yet the appointing authority is satisfied that the ex-serviceman is expected to perform the duties of the post by undergoing on the job training for a short duration.

Whereas, the applicant is however, in possession of Civil Education qualification as 10th at the time of joining service, as per the discharge Book he has completed 15 years of his service in the Army, as such, the candidate could be considered as Graduate and, is hit by the Higher qualification bar; and

Whereas, the instant case was placed in 284th Board Meeting held on 03.10.2024, wherein the Board decided as under:

"The Board noted that various cases of similar nature are currently kept withheld in the Final Selection List notified for the Class-IV posts, advertised vide Notification No. 01 of 2020 dated 26.06.2020, and the matter was taken up with the General Administration Department which, vide letter dated 20.12.2022, has opined in the matter as under:

'...the candidates who are in possession of 'Indian Army Special Certificate of Education' are to be treated as Graduates as the same is equivalent to the graduation and such candidates are hit by the rigor of maximum bar of qualification for their appointment against Class-IV vacancies, meaning thereby they are not eligible to apply for these post.'

However, the Board noted that the recommendations of the ESM candidates currently kept withheld in the aforementioned selection held of the Class-IV posts are still under examination and the final decision has not been taken. It was thus, decided that a similar decision, as and when taken in respect of the 17 ESM candidates currently kept withheld for the posts of Class-IV, advertised vide Notification No. 01 of 2020 dated 26.06.2020, shall be taken in the instant case also..'



Whereas, accordingly, the matter related to 17 ESM candidates was placed before the Board in its 287th Board Meeting held on 25.10.2024 and the decision of the Board is reproduced as under:-

"The Board took note of the record placed before it and after due deliberations, decided to cancel the withheld recommendations of all 17 ESM candidates for the post of Class-IV, advertised vide Notification no. 01 of 2020, dated 26.06.2020, in light of the Jammu and Kashmir Ex-servicemen (Re-employment in Public Services and Posts) Rules 2021, notified vide S.O. 361 of 2021 dated 20.10.2021 and also in accordance with the clarification provided by the General Administration Department vide its letter No. GAD-MTGORBIV/29/2021-09 dated 20.12.2022, on the said issue of ESMS."

Whereas, the case of the applicant is similarly situated and the claim of the applicant is considered as per the SO 361 and the decision taken in the similar cases and found devoid of any merit.

Now therefore, in view of aforesaid facts and in due deference to the order dated 23.08.2024 passed by the Hon'ble Central Administrative Tribunal, Jammu Bench, the case of the applicant is considered and found devoid of any merit, hence rejected.

By Order.


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


No.: JKSSB-LEG/(E-7556955) / 703-07
Copy to the:

Dated: 07.05.2025

1. Administrative Secretary to the Government, Transport Department, Civil Secretariat, J&K, Jammu for kind information.
2. Ld. Counsel, J&K Services Selection Board.
3. P.A to Chairperson, JKSSB, for the information of the Chairperson
4. Applicant concerned.
5. Order File.