

GOVERNMENT OF JAMMU AND KASHMIR
JAMMU & KASHMIR SERVICES SELECTION BOARD

CPO Chowk Panjtirithi, Jammu/ Zamzam Complex Rambagh Srinagar
www.jkssb.nic.in

Subject: Directions of the Hon'ble Central Administrative Tribunal (CAT) in OA No. 1401/2023 titled Roopesh Wadhwa V/s UT of J&K and Ors – Consideration order thereof.

Order No.: 259-SSB of 2023
Dated: 14-11-2023

Whereas, the J&K Services Selection Board advertised the post of Junior Engineer (Mechanical) vide Advertisement Notification No. 06 of 2022, under Item no. 202; and

Whereas, the examination for the post of Junior Engineer (Mechanical), advertised vide advertisement notification No. 06 of 2022, under item no. 202, was held in OMR mode on 01.10.2023; and

Whereas, the provisional answer key for the said examination was issued vide no. JKSSB-COE0EXAM(UT)/67/2023-03 (7271536) dated: 01.10.2023, wherein the candidates were given an opportunity to file objections/representations to the said answer key within the stipulated time period of three working days starting from 03-10-2023; and

Whereas, in response to the above said notice, 332 number of objections were received against 45 number of unique questions, while the applicant namely, Mr. Roopesh Wadhwa S/o Sh. Omkar Wadhwa did not file any objection/representation against the provisional answer key within the stipulated time period; and

Whereas, the objections were referred to the Subject Matter Experts (SMEs) and based on their opinion, the revised/final answer key in respect of above said examination was issued vide No. JKSSB-COE0EXAM(UT)/67/2023-03 (7271536) dated:12.10.2023; and

Whereas, the applicant filed an O.A. No. 61/1401/2023 in the Hon'ble Central Administrative Tribunal (CAT), Jammu. The O.A. was disposed of by the Hon'ble CAT with the order dated: 20.10.2023, whose operative part reads as follows:

"Accordingly, the Original Application is disposed of 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 within a period of four weeks from the date of receipt of a certified copy of this order."

Whereas, the matter was considered in light of Regulation 57 of the J&K Services Selection Board which states that in case the Expert confirms that the

option notified in the provisional answer key viz-a-viz a question is incorrect, the same shall be corrected and the correct option shall be incorporated in the final/revised answer key. Based on the decisions/recommendations of the expert, the controller of examination shall, with the approval, notify the Final/Revised Answer Key before the declaration of results and the same key shall be used for assessing the answer scripts. No Objection(s)/representation shall be entertained against Revised/Final Answer Key. Further, the candidate has not filed any objection against the provisional answer key within the stipulated time period.

Whereas, the Hon'ble Supreme Court upholding the decision of the experts, in Bihar Staff Selection Commission vs Arun Kumar, held that ***the committee of experts has made its recommendations and the exercise indicates that the previous re- evaluations by the single judge and the division bench- both made in the absence of expert recommendations are not correct or accurate. This is in tune with a recent judgment of this court in Pranav Verma v. Registrar General of High Court of Punjab & Haryana, where the court accepted the recommendations of a single member committee and directed revision of results in a public examination, relating to recruitment of candidates to judicial service.***

As a result of the above discussion, the BSSC is directed to evaluate and publish the results afresh, in the light of the recommendations and report of the experts.... This court is hereby making these directions to put a quietus on the dispute, in exercise of its extraordinary powers under Article 142 of the Constitution of India."

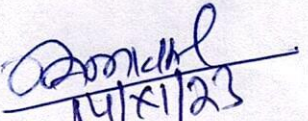
Further, the Hon'ble HIGH COURT OF JUDICATURE AT ALLAHABAD WRIT No. 8892 of 2022; 20.12.2022 Gyan Prakash Singh versus State of U.P. and others held that, ***"This Court is of opinion that in the overall circumstances, there have been sufficient safeguards observed by the Commission in scrutinizing the probity of their answer key, on the basis of which selections have been held. These should not be exposed to a lingering uncertainty. As a parting remark, it must be noted that even if there is some doubt about the key answer to one or the other of the impugned answers, on account of some material based on an outside expert's opinion, the doubt has to be resolved in favour of the examining body, as held in Ran Vijay Singh. 26. In the totality of circumstances, this Court finds no merits in the present writ petition. It fails and is dismissed."***

Whereas, the Hon'ble Supreme Court in a case also held that the academic matters should be best left to Academics, Courts have No Expertise in the matters when Conscious Decision is taken By Experts. Further held that the High Court over stepped its jurisdiction by giving the directions, which amounted to setting aside the decision of experts in the field," it said, setting aside the order of the high court. The apex court held that the sanctity of an examination would be lost if courts through their power of judicial review keep interfering with the decisions taken by authorities conducting competitive tests. The top court said a line needs to be drawn to determine to what extent a judicial review can be allowed of the decisions taken by authorities conducting the examinations.

Whereas, the case of the applicant has been considered in the Board in light of aforesaid facts and regulation in the field, since the objections has not been received at relevant point of time and accordingly necessary action has been taken; besides, the objections claimed by the candidates within time have been considered by Subject Matter Expert and thereafter, Final answer key has been issued in accordance with the rules and regulations.

Now, therefore, in view of above stated facts and circumstances of the case and in due deference to the Order dated- 20.10.2023 passed by the Hon'ble Tribunal Jammu, the case of the applicant has been considered and found devoid of any merit, hence rejected.

By Order.


14/11/23
(Sachin Jamwal) JKAS

Secretary
J&K Services Selection Board



No.: JKSSB-LEG/331/2023-03(7319466)

Dated: .11.2023

Copy to the:

1. Commissioner/Secretary to the Government, General Administration Department, Civil Secretariat, J&K, Jammu for kind information.
2. Ld. Counsel, J&K Services Selection Board.
3. Controller of Examinations, J&K Services Selection Board.
4. Deputy Legal Remembrancer, Jammu/Kashmir.
5. Pyt. Secy. to Chairman, JKSSB, for the information of the Chairman.
6. Applicant concerned.
7. Order File.