

GOVERNMENT OF JAMMU AND KASHMIR
JAMMU AND KASHMIR SERVICES SELECTION BOARD (JKSSB)
CPO Chowk, Panjtirithi, Jammu/ Zamzam Complex, Rambagh, Srinagar.
www.jkssb.nic.in

Subject: OA No. 148/2024, titled Sahil Badyal V/S UT OF J&K & Ors.

Order No. 137-SSB of 2024
Dated: 26-03-2024

Whereas, the J&K Services Selection Board advertised the posts of Sub Inspector, Home Department vide advertisement No. 06 of 2021 dated: 21-10-2021 and conducted the Computer Based Written Test (CBT) for 1200 posts of Sub-Inspector (Home Department) from 07th December 2022 to 20th December 2022 in multiple shifts; and

Whereas, the JKSSB vide notification No. JKSSB-COE0EXAM(UT)/54/2022-23 (7057013) dated: 28.12.2022, notified Provisional Answer key and in response to which 1535 objections pertaining to 333 Unique questions were received; and the objections were forwarded to Subject Matter Experts (SMEs).

Whereas, in reference to the disposal of objections received from SMEs, the JKSSB vide notification No. JKSSB-COE0EXAM(UT)/54/2022-23 (7057013) dated: 03.11.2023, issued the Final Answer key for the post of Sub Inspector showing the details of questions for which options were either changed or the questions were discarded as per the SMEs.

Whereas, the Final Answer Key was issued according to the J&K Services Selection Board (Conduct of Examination) Regulations, 2022, Rule XXIV (57), which is stated as follows:-

- "On receipt of such objection(s), if it is prima facia found that:***
- i. The formulation/text of the question(s) is/are admissible to different interpretation because of vagueness, or***
 - ii. The question(s) recorded in the paper is/are incomplete, or***
 - iii. That all options recorded viz-a-viz a question are wrong, or. iv.***
That more than two options recorded viz-a-viz a question are correct, or
 - v. That the option notified in the provisional answer key vis-à-vis; a question is incorrect;***

The Controller of Examinations shall in that eventuality refer all these objections to the Subject Matter Experts appointed with the approval of the Chairman for the purpose, and based on the opinion/decision of the concerned Subject Matter Expert to the objection(s) raised and in case the Subject Matter Expert confirms that the formulation/text of the question(s) is/are admissible to different interpretations because of vagueness or that the question(s) recorded in the paper is/are incomplete or that all the options recorded viz-a-viz a question are wrong or that more than two options recorded viz-a-viz a question is correct, the concerned question(s) shall be deleted from the paper and mark(s) allocated thereof shall be individually added to the marks secured by the individual candidates to ensure that the marks allocated for the question paper as a whole remain unchanged. 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 of Chairman, 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."

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Whereas, the Rule 56 indicates that in case objections to the Provisional Answer Key are found to be valid, same shall be reflected in the Revised/Final Answer Key.

Whereas, the applicant after failing to secure grade in the Selection list, filed O.A. and seeking to challenge to the discarded question No. 113, as he lagged behind with 0.5 marks from the last selected candidate; and

Whereas, the applicant participated in the selection process which included written test, Physical Endurance Test, Physical measurement test and Document Verification and when failed to make grade in the selection list filed O.A before the Hon'ble CAT for considering his objections to the questions in the written test; and

Whereas, the Hon'ble CAT, while considering the matter, on 20.02.2024 directed the respondents to consider the case of the applicant; and

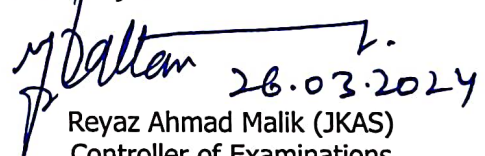
Whereas, it is relevant to state that the objections to the provisional answer key were considered by our Subject Matter Experts and thereafter the Final Answer Key was issued; and

Whereas, the claim of the applicant is devoid of merits, as the objection regarding question No. 99 was considered and found invalid by the Subject Matter Experts (SMEs). Moreover, the claim of the candidate regarding wrongfully discarding the question No. 113 does not hold grounds, evident from the perusal of the J&K Services Selection Board (Conduct of Examination) Regulations, 2022, Rule XXIV (57) as the question has been discarded as per the opinion of the SMEs; and

Whereas, in J&K State Board of Education vs. Feyaz Ahmed Malik, reported in (2000)3 SCC 59, the Court emphasized that the decision of the expert bodies should be given due weightage by Courts, in as much as, the same consisted of persons coming from different walks of life having wide experience in the field of education and entrusted with the duty of maintaining higher standards of education; and

Whereas, the selection list was issued and forwarded to the Indenting department and appointments were made by the indenting department for the aforesaid posts.

Now, therefore, in compliance to the directions dated: 20.02.2024 passed by the Hon'ble CAT, Jammu in the aforesaid case, the claim of the applicant found factually incorrect, legally not tenable and devoid of any merit, hence rejected.


26.03.2024
Reyaz Ahmad Malik (JKAS)
Controller of Examinations
J&K Services Selection Board

No. JKSSB-LEG/77/2024-03 (7427770)

Dated: 26-03-2024

Copy to the:

1. Principal Secretary to the Government, Home Department, Civil Secretariat, J&K, Jammu for kind information.
2. Commissioner/Secretary to the Government, General Administration Department, Civil Secretariat, J&K, Jammu for kind information.
3. Secretary, J&K Services Selection Board for favour of information.
4. Applicant concerned.
5. Order file.