

GOVERNMENT OF JAMMU AND KASHMIR
JAMMU AND KASHMIR SERVICES SELECTION BOARD

CPO Chowk Panjirthirti, Jammu/Zamzam Complex Rambagh, Srinagar

(www.jkssb.nic.in)

Subject: O.A. No. 144/2023 titled Shahzada Akhter Versus Chairman, Jammu & Kashmir Services Selection Board and Ors- Consideration Order thereof.

Order No. 113-SSB of 2023

Dated: 16.06.2023

Whereas, the applicant has filed the above titled Original Application before the Hon'ble Central Administrative Tribunal (CAT), Srinagar and upon consideration of the matter on 01.03.2023, the Hon'ble CAT has disposed of the OA by passing the following Order:

"In view of the limited prayer made by the Ld. Counsel for the applicant respondents are directed to consider the claim of the applicant and decide the representation dated 23.02.2023 within four weeks from today as per rules by passing a reasoned and speaking order."

Whereas, in light of the directions passed by the Hon'ble CAT, the case of the applicant has been examined and the factual position which has emerged is noted as under:

- a. That the applicant Ms. Shahzada Akhter D/o Late Ab. Rahim Lone R/o Batwina, Ganderbal, among others, applied for the post of Junior Staff Nurse/Junior Grade Nurse/Junior Nurse advertised vide Notification No. 02 of 2021 dated 26.03.2021.
- b. That the advertisement *inter-alia* contained three Item numbers, against which the applicant bearing application No. 324478 applied:

Sr. No.	Item No.	Post	Prescribed Qualification.
1.	216 (Division Cadre Kashmir)	Junior Staff Nurse/ Junior Grade Nurse.	Diploma in General Nursing & Midwifery/B. Sc. Nursing from any recognized Institution/State Medical Faculty/J&K Paramedical Council
2.	259 (District Cadre Ganderbal)	Junior Grade Nurse	Matric with diploma in nursing from State Medical Faculty or any other recognized institution.
3.	392 (District Cadre Ganderbal)	Junior Nurse	Matric with diploma in Nursing from SMF or any other recognized institute recognized by Government

- c. That, accordingly, the J&K Service Selection Board (JKSSB), vide No. SSB/Sel/Secy/2023/10-19 dated 03.01.2023, notified the Provisional Selection List for these posts.
- d. That the applicant was figuring in the Provisional Selection List at Sr. No. 1 under Item No. 392 in RBA category.
- e. That the Provisional Selection List notified by the Board *inter-alia* provided that the candidates may submit their representations in case they have any grievance regarding the same within a stipulated time frame, as the underlying object of issuing provisional selection list is to avoid the possibility of any bonafide error, avoidable litigation and to seek representations from the aggrieved candidates, if there is any, on account of any inadvertent mistake.
- f. That the private respondent namely Mehjabeen Khan, D/o Ghulam Mohammad Khan (Private Respondent No. 6) availed the opportunity and submitted her representation on the dedicated email ID, wherein, she contended to have secured 90.29 percentile i.e. more than that secured by the petitioner and she was aggrieved of her exclusion from the Provisional Selection List and requested for her consideration for the post in the Final Selection List.
- g. That the representation submitted by the private respondent (Ms. Mehjabeen Khan, D/o Ghulam Mohammad Khan) was examined, wherein it was established that she is meritorious than the applicant, and, therefore, her claim was found to be genuine.
- h. That the representee (private respondent) was also in possession of the requisite qualification and valid category certificate for the post of Jr. Nurse, District Cadre, Ganderbal, under Item No. 392 notified vide Advertisement No. 02 of 2021 dated 26.03.2021, however, she was inadvertently left out of the provisional selection list.
- i. That no crystallized right has accrued in favour of the applicant namely Ms. Shahzada Akhter D/o Late Ab. Rahim Lone R/o Batwina Ganderbal, who had secured a percentile of 86.0078, which is lower than the percentile of the private respondent namely Ms. Mehjabeen Khan, who secured a percentile of 90.29, due to which the applicant could not make it to the final selection list and the private respondent was considered for the said post in the final selection list owing to her merit, possession of requisite qualification, timely representation and having duly applied for the said post.


Whereas, the JKSSB, after examination of the representation submitted by the private respondent No. 06 namely Ms. Mehjabeen Khan, D/o Ghulam

Mohammad issued the final selection list for various posts advertised vide Notification No. 02 of 2021 Dated 26.03.2021 on 22.02.2023 under endorsement No. SSB/Sel/Secy/2022-23/283-92, wherein, the representation of the private respondent was considered and she was selected in place of the applicant namely Ms. Shahzada Akhter D/o Late Ab Rahim Lone R/o Batwina Ganderbal; and

Whereas, it is a settled law that mere figuring in the provisional selection list does not cloth the applicant with any right/claim over the post he/she has applied for, which condition was also notified while issuing the provisional list.

Now, therefore, in due deference to the Orders passed by the Hon'ble Central Administrative Tribunal, Srinagar, the case of the applicant has been examined and upon consideration, the same is found devoid of any merit and hence rejected.

By Order.


16/06/23
(Sachin Jamwal) JKAS
Secretary
J&K Services Selection Board
Dated: 16.06.2023

No. JKSSB-LEG/117/2023-03(E-7145296)

Copy to

1. Commissioner/Secretary to the Government, General Administration Department.
2. Secretary to the Government, Health & Medical Education Department.
3. Ld. Counsel, J&K Services Selection Board.
4. Deputy Legal Remembrancer, Jammu/Kashmir.
5. Private Secretary to the Chairman, JKSSB.
6. Order file.