



Government of Jammu and Kashmir
J&K Services Selection Board, Jammu.
(www.jkssb.nic.in)

Subject: - Select list of the candidate for the post of "Teacher.",(Education Department) in pursuance to Advertisement Notification No. 05 of 2013, under Item No. 507 (District Cadre) Udhampur.
Order No:- 203 SSB of 2019
Dated :- 13 -19 -2019

- 1) **Whereas**, the Services Selection Board forwarded a select list of candidates for the post of Teacher (Education Department) in pursuance to Advertisement Notification No. 05 of 2013, under Item No. 507, (District Cadre Udhampur) to School Education Department vide No.No.SSB/Secy/Sel/015/10956-63 Dated:-20-10-2015 for further course of action ;and
- 2) **Whereas**, petitioner had applied for the post of Teacher District Cadre Udhampur pursuant to Advt. No. 05 of 2013 dated 02.03.2013 under ST category and on the basis of her merit position made it to the S.No.02 of the wait list under ST category, but the recommendation was kept withheld subject to the production of valid category certificate.
- 3) **Whereas**, the last date for submission of application forms was fixed as **06.04.2013** and the petitioner submitted all relevant documents along with the ST category certificate, which was issued after the cut-off date i.e. after last date of submission of application forms. However, the selection of the petitioner was not released on the pretext that her category certificate has been issued after the cut-off date; and
- 4) **Whereas**, Petitioner approached Hon'ble High Court through the medium of SWP No. 1660/2017 and sought direction to the respondents to recommend the candidature of the petitioner for the post of Teacher district cadre Udhampur vide Advt. notification no. 05 of 2013 dated 02.03.2013 under ST category against which the petitioner has become entitled to be appointed by operation of waiting list notified by the respondents; and
- 5) **Whereas**, the above said writ petition was finally disposed of by the Hon'ble court vide judgment order dated 20.12.2017 and the operative part of the judgment is reproduced as under:

".... The writ petition is disposed of by directing the competent authority to accord consideration to the claim of the petitioner for the said post on the basis of ST category certificate alleged to have been submitted by the petitioner at the time of interview on the due verification and it there is no other legal impediment. Such exercise to be completed preferably within a period of eight to twelve weeks from the date of the receipt of the copy of the order."

- 6) **Whereas**, the issue as to whether a category certificate issued after cut-off date and submitted during the process of selection can be considered for the benefit of said category for the purpose of the selection has been dealt with

and decided by the Full Bench of the Hon'ble High court of J&K at Jammu vide its Judgement dated 20-12-2017 rendered in LPA(OW) No.27/1994, titled Competent Authority Entrance Examination J&K, Jammu V/s Mahesh Kumar Raina and others, the operative/conclusive portion whereof reads as under in LPA(OW) No. 27/1994 which reads as under.

"....A candidate must possess the eligibility on the cut-off date and if claims that he/she belongs to a particular category in the application form and unable to produce the proof/ certificate before the cut-off date inspite of his/her best efforts, the said candidate shall be permitted to produce the proof before finalization of the selection for admission/ appointment as producing proof is procedural and if no claim is made in the application the candidate cannot be permitted to produce proof of the same and such candidate shall be considered in open merit category".

7) *Whereas*, the legal position in such cases has made very clear by Hon'ble J&K High Court that mere late submission of reserved category certificate or submission of category certificate after the cut-off date does not disentitle a candidate from reaping the fruits of reserved category benefits, provided that the said category is reflected in the application form and is otherwise valid under law.

Whereas, the issue was deliberated in the 157th Board meeting and decided the ST category is by-birth may take action under rules as regards to the judgement of the Hon'ble High Court.

Now, therefore in compliance to the judgement of Hon'ble High Court dated 20-12-2017 passed in SWP No.1660/2017 coupled with the facts of the case as stated here in above, the recommendation of the petitioner Renu Devi D/o OM.Parkash R/o Pachound C/O Chapper Phagoo, Tehsil Ramnagar, District Udhampur figuring at S.No.02/ST/Wait is hereby released vide Advt. No. 05 of 2013, under item No. 507 for the post of Teacher district Cadre Udhampur. However others term and conditions shall remain the same as conveyed vide letter No. SSB/Secy/Sel/015/10956-63 Dated:-20-10-2015 .


13/12/19
(Ranjeet Singh)KAS
Secretary

J&K Services Selection Board,
Jammu 13/12/19

Dated: 13-12-2019

No. SSB/Sel/Secy/2019/686-58

Copy to the:-

1. Commissioner/Secretary to the Govt. School Education Department J&K Govt. Civil Secretariat Jammu.
2. Pvt. Secretary to Chairman SSB, for information of the Ld. Chairman.
3. Record file/ In-charge official website.