

**Government of Jammu and Kashmir,
J&K Services Selection Board,
Rail Head Complex, Sehkari Bhawan, Jammu.
(www.jkssb.nic.in)**

Office order No: 165 SSB of 2020

Date: - 03 -06-2020

Subject:- SWP No. 161/2013 titled Suman Kumari V/s State and others (Selection List of candidates for the post of Teacher (Education Department) District Cadre Jammu, pursuant to Advertisement Notice No. 07 of 2010 dated 12.11.2010 Item No.697.

Whereas, the Jammu & Kashmir Services Selection Board advertised various posts of Teachers in School Education Department, District Cadre Kathua pursuant to Advertisement Notice No. 07 of 2010 dated 12.11.2010 under Item No. 697.

Whereas, the petitioner namely Suman Kumari applied and competed for the post of Teacher, District Cadre Kathua under OM category. During the selection process the petitioner Suman Kumari obtained merit position of 49.44 points, however, no weightage was given to her PG qualification. Aggrieved thus the petitioner invoked the extraordinary jurisdiction of Hon'ble High Court of J&K at Jammu through the medium of SWP No. 161/2013 titled Suman Kumari V/s State and others. The HHC vide its interim order dated 23.01.2013 directed as under:-

"In the meantime, one post out of the post advertised vide Advertisement Notice No. 07 of 2010 dated 12.11.2010, shall be left unfilled till next date of hearing before bench unless the select list has been acted upon."

Whereas, the above said order dated 23.01.2013 was acknowledged by the School Education Department vide its communication No. Edu/Legal/J/51/2013 dated 19.02.2013 addressed to the J&K Services Selection Board for appropriate action under intimation to School Education department.

Whereas, by the time the direction for reservation of post in favour of the petitioner herein was passed by the HHC vide its order dated 23-01-2013 passed in SWP No 161/2013 titled Suman Kumari Vs State and others, the Selection List for the post had already been finalized and forwarded by the Board to the Indenting Department vide communication no SSB/Sel/Secy/013/294-296 dated 11.01.2013. However, vide communication No. SSB/S-2/13/441-43/2013 dated 01-03-2013, the Indenting Department (School Education Department) was informed about the said directions dated 23.01.2013 for further necessary action.

Whereas, the writ petition was finally disposed of by the HHC vide its order dated 14.03.2018 with the following observations/directions:

"when the matter was taken up today the learned Counsel for the petitioner submitted that the Coordinate Benches of this court vide order dated 24.02.2016 and 08.11.2016 passed in identical writ petitions being SWP No 2512/2012 and SWP No 1131/2012 respectively directed the respondents to consider the claim of the petitioners therein, strictly in terms of Government order No. 252-HE of 2012 dated 30.05.2012 and pass consideration order thereon. It is further submitted that this writ petition be also disposed of with direction to the respondents to consider the case of the petitioner in light of government order No. 252-HE of 2012 dated 30.05.2012 (Supra) as well as on the analogy of aforesaid orders passed by the Coordinate Bench of this Court.

In view of the aforesaid submissions and with a view to maintain the parity, this writ petition is also disposed of with the direction to the respondents to consider the claim of the petitioner strictly in terms of Government order No. 252-HE of 2012 dated 30.05.2012 as well as aforesaid orders passed by the Benches of this Court, and pass consideration order there on within a period of four weeks from the date a certified copy of the order passed today is served upon the respondents by the petitioner. Disposed of accordingly alongwith connected MP.

With the aforesaid directions, the writ petition is disposed of accordingly along with connected MP"

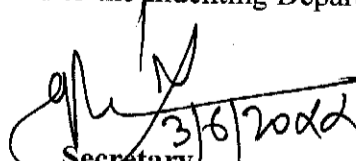
Whereas, the J&K Services Selection Board in the following cases considered the claim of candidates in their favour:-

- a) SWP No 2512/2012 titled Rekha Gupta V/s State of J&K and others) vide Order No 501-SSB of 2016 dated 29.03.2016, released the recommendation in favour of the petitioner (Rekha Gupta W/o Suresh Kumar Gupta R/o Hira Nagar, Kathua) for the post of Teacher (School Education Department) District cadre Kathua, in pursuance to Advertisement notification No 07 of 2010 dated 12.11.2010 and in compliance to Hon'ble High Court Order dated 24.02.2016 passed in SWP No 2512/2012 titled Rekha Gupta V/s State of J&K and others, and
- b) (SWP No 1131/2012 titled Sunaina Sharma V/s State of J&K and others) vide Order No 57-SSB of 2017 dated 14.02.2017, released the recommendation in favour of the petitioner (Suaina Sharma D/o Chaitanya Prabhu) for the post of Teacher(School Education Department) District cadre Reasi, Item No 386 in pursuance to Advertisement notification No 07 of 2010 and in compliance to Hon'ble High court Order dated 08.11.2016 passed in SWP No 1131/2012 titled Sunaina Sharma V/s State of J&K and others.

Whereas, the case of the petitioner in the instant writ petition is similarly situated with that of the above mentioned candidates/petitioners having regard to the purport of Government Order No.252-HE of 2012 dated 30-05-2012; and taking into account all relevant facts and circumstances and

Whereas, the issue was examined by the Services Selection Board in its 169th meeting held on 06.05.2020 and the Board decided to request the Indenting department to consider the petitioner for appointment against the post kept reserved on the directions of the Hon'ble High Court. It was further decided that in case the post is not available due to any reason, the Indenting Department may consider identification or creation of Duty/Supernumerary post of Teacher for appointing the petitioner, so as to comply with the orders of the Hon'ble High Court; and

Now, therefore, in deference to the Judgment/Order dated 14.03.2018 passed in SWP No. 161/2013 titled Suman Kumari v/s State and others., and as per the decision of the Board, the petitioner namely **Suman Kumari W/O Subash Singh, R/O Seri-Mooni, Tehsil Billawar, District Kathua** is hereby recommended to the Indenting Department for appointment against the post of Teacher (Education Department) District Cadre Kathua under Open Merit Category pursuant to Advertisement Notification Advertisement Notice No. 07 of 2010 dated 12.11.2010 under Item No. 697. The merit position of the petitioner who will figure at "Serial No. 183 under Open Merit Category" after giving weightage (5.79 points) to her Post Graduate Degree with total point 55..23 as per Selection List already forwarded to the Indenting Department vide communication No. SSB/Sel/Secy/013/294-296 dated 11.01.2013 is enclosed herewith as **Annexure-A**. However, the terms and conditions will be same as per Selection List forwarded to the Indenting Department dated 11.01.2013.


Secretary,
Services Selection Board,
Jammu

No. SSB/ Legal/4807/2020

Dated: 03/06/2020

Copy to the:-

1. Commissioner/Secretary to Government, General Administration Department.
2. Commissioner/Secretary to Government, School Education Department for information and necessary action.
3. Pvt. Secretary to Chairman for information to the Ld. Chairman.
4. Suman Kumari W/O Subash Singh, R/O Seri-Mooni, Tehsil Billawar, District Kathua.
5. Selection Division/ Record file.
- ✓ 6. In-charge website.