

Government of Jammu and Kashmir,  
J&K Services Selection Board,  
Hema Complex, Sector-3, Channi Himmat Jammu.  
(www.jkssb.nic.in)

Office order No: 240 SSB of 2021  
Date: - 21 .06.2021

**Subject:** TA No. 61/606/2020, WP(C) No. 736/2020 titled Ramnik Singh and Another V/s UT of J&K and others.

Whereas, the J&K Services Selection Board vide Advertisement Notification No. 01 of 2019, 03 of 2019 dated 01.02.2019 advertised various posts under SRO-202 including the post of Audio-Visual Technician/Technician in Audio-Visual Aides, Photograph and Artist, Telephone Supervisor (Health and Medical Education Department, GMC Anantnag, Rajouri), Divisional Cadre Kashmir/Jammu under Item No. 025 and 038 respectively; and

Whereas, the prescribed qualification for the aforementioned post as per the indent/Advertisement Notification was:-  
**“Diploma in Electronic Communication from any recognized Institute”.**

Whereas, the Jammu and Kashmir Services Selection Board conducted the written test on 4<sup>th</sup> July 2019 and vide notice No. SSB/Secy/Sel/2019/5160-66 dated 05.10.2019 issued the provisional Selection List of candidates for document verification; and

Whereas, the Jammu and Kashmir Services Selection Board after completion of the selection process, issued the Selection Lists for the aforesaid posts and forwarded the same to the Indenting Department (Health and Medical Education Department, GMC Rajouri) vide Communication No. SSB/Secy/Sel/J/56/2020/1827-33 dated 10.03.2020 in respect of Item No.25 and SSB/Secy/Sel/J/45/2020/1862-68 dated 10.03.2020 in respect of Item No.38; and

Whereas, two candidates/applicants (namely Ramnik Singh and Riyaz Ahmad Malik) were declared **Not Eligible** for not having requisite qualification for the said post of Audio-Visual Technician/Technician in Audio-Visual Aides, Photograph and Artist, Telephone Supervisor, the petitioners/applicants were possessing the qualification of Degree in the concerned course but the requisite qualification as per Advertisement Notification is Diploma in Electronic Communication from any recognized Institute; and

Whereas, the applicants feeling aggrieved by the same filed WP(C) No. 736/2020 before the Hon'ble High Court, Jammu and the Hon'ble High Court vide its order dated 18.03.2020 passed the following directions: -

**“Meanwhile, subject to objections from other side and till next date of hearing before the Bench, the selection of Respondent No. 6 and 7 shall not be given effect to”; and**

Whereas, the matter was transferred to Central Administrative Tribunal, Jammu vide TA No. 61/606/2020 and the Hon'ble Tribunal vide its Order dated 16.02.2021 passed the following directions: -

**“Looking to the facts and circumstances, respondent No. 04 (J&K Services Selection Board) is directed to look into the matter whether applicants are more meritorious than the private respondents No. 06 & 7 or not and shall take a decision accordingly. In case, J&K Services Selection Board is of the opinion that the applicants are not eligible, then J&K Services Selection Board shall pass a speaking order assigning reasons for the same within 02 weeks from the date of receipt of a copy of this order. Let this order be served on respondent No. 4 & 5 through learned counsel for the official respondents. Put up the file on 15.03.2021 for further order.”**

Whereas, in deference to the said judgment of Hon'ble Tribunal, the matter was examined also in the light of recent judgment of the Hon'ble Supreme Court as well as of Hon'ble Division Bench of J&K High Court and it was found that the applicants namely

Ramnik Singh and Riyaz Ahmad Malik are degree holders and not diploma holders as such are not eligible for the said post; and


Whereas, the Hon'ble Supreme Court vide its judgment dated 5<sup>th</sup> of December, 2018 passed in Civil Appeal Nos 11853-11854 of 2018 titled 'Zahoor Ahmad Rather & others v/s Sheikh Imtiyaz Ahmad & others' while upholding the decision of the J&K Services Selection Board held that in absence of prescribed qualification, appellants cannot be held eligible. The Hon'ble Apex Court in aforesaid judgment has also ruled that the possession of higher qualification which does not pre-suppose acquisition of lower qualification; and

Whereas, the Division Bench of the Hon'ble J&K High Court in a similar situated case in LPASW No. 194/2018 C/w LPASW No. 161/2017 while relying on the above quoted judgment of Apex Court allowed the appeals of the Board and dismissed the writ petitions wherein the petitioners were possessing degrees in Pharmacy and not diploma in Pharmacy; and

Whereas, the matter was finally placed before the Board in its 182<sup>nd</sup> meeting held on 23<sup>rd</sup> April, 2021 and it was decided to declare the candidates/applicants as Not Eligible in light of the above quoted judgments.

Now, therefore, in deference to order dated 16.02.2021 passed by the Hon'ble Tribunal in TA No. 61/606/2020, WP(C) No. 736/2020 titled Ramnik Singh and Another V/s UT of J&K and others and as per the decision of the Board, the applicants namely **Ramnik Singh and Riyaz Ahmad Malik** are hereby declared Not Eligible for the post of Audio-Visual Technician/Technician in Audio-Visual Aides, Photograph and Artist, Telephone Supervisor (Health and Medical Education Department, GMC Anantnag, Rajouri), Divisional Cadre Kashmir/Jammu pursuant to Advertisement Notification No. 01 of 2019, 03 of 2019 dated 01.02.2019 under Item No. 025 and 038.

By Order.

  
(Sachin Jamwal) KAS,  
Secretary,  
J&K Services Selection Board

Dated: - 21.06.2021

No. SSB/Legal/R-4/20 / 806-13  
Copy to:-

1. Additional Chief Secretary, J&K, Health and Medical Education Department for information.
2. Commissioner/Secretary to Government, General Administration Department for information.
3. Mr. Amit Gupta, Ld. Additional Advocate General, Jammu for information and necessary action.
4. Pvt. Secretary to Chairman, J&K Services Selection Board for information of the Chairman.
5. Selection Division/ Record file.
6. In-charge website.
7. Ramnik Singh S/o S. Bhajan Singh R/O Ward No.03, H.No.103, Near Dak Banglow Poonch.
8. Riyaz Ahmad Malik S/o Mohd Amin Malik R/o Lurgam Tehsil Tral Pulwama A/p H.No. 217, Sector 2 Palli Hill Colony Channi Rama Jammu.