

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

Office order No: 68 SSB of 2021
 Date: - 16 .02.2021

Subject: Implementation of order dated 31.05.2018 passed by the Hon'ble High Court in SWP No. 185/2014 titled Sunil Kumar Bhagat V/s State of J&K and others and CPSW 651/2018 titled Sunil Kumar Bhagat V/s Atul Dulloo and others.

Whereas, the Jammu and Kashmir Services Selection Board advertised various posts including the post of Drivers, District Cadre Doda, Health and Medical Education Department, in pursuant to Advertisement Notification No. 04 of 2006 dated 29.12.2006 under Item No. 45 with the following breakup of the posts:-

- OM=08, RBA=04, SC=02, ST=02, ALC=01, Total=17; and

Whereas, the prescribed qualification for the aforesaid post is as under:- **“Middle Pass with Hill Driving Licence.”; and**

Whereas, the Jammu and Kashmir Services Selection Board after completion of the Selection Process issued the Selection List and forwarded the same to the Indenting Department (Health and Medical Education Department) vide communication No. SSB/Secy/Sel/013/3770-75 dated 08.10.2013 wherein the 04 (ST=02, SC=01 and ALC=01) posts remained unfilled due to non-availability of eligible candidates. However, it would be relevant to mention that the merit sheet of provisionally shortlisted candidates for the post of Drivers, District Cadre Doda, Health and Medical Education Department revealed that the petitioner namely, Sunil Kumar Bhagat who applied under SC Category, for the aforesaid post had submitted last 08 years experience certificate without mentioning of date from which the candidate had acquired such experience, as such was not considered by the Board for selection. The merit position of the petitioner however, was 57.000; and

Whereas, the Jammu and Kashmir Services Selection Board advertised various posts including two posts of Driver (one under SC category and One under ALC category), District Cadre Doda, Health and Medical Education Department, vide Item No. 923 in pursuance of the Advertisement Notification No. 12 of 2013 dated 31.12.2013. Pertinently the Board has received 06 application forms under SC Category for the aforesaid post; and

Whereas, in the meanwhile, the petitioner filed a writ petition before the Hon'ble High Court of J&K, Jammu bearing SWP No. 185/2014 titled Sunil Kumar Bhagat V/s State of J&K and other, seeking following directions:-

“a) Quashing of advertisement Notice No.12/2013 dated 31.12.2013, so far it pertains to Item no.923 where in applications for appointment to the post of driver in Schedule Caste Category for District Doda are invited.

b) To issue selection/appointment order in favour of the petitioner as the petitioner's name has been dropped from the select list dated 09.10.2013 without any reasonable cause.”; and

Whereas, the Hon'ble High Court vide its interim order dated 31.01.2014 passed the following directions:-

“one post of Driver in the Department of Health and Medical Education under SC category District Cadre Doda, as advertised vide Advertisement Notice No. 12/2013 dated 31.12.2013, shall not be filled up, till next date before the Bench.”; and

Whereas, the Hon'ble High Court vide its order dated 31.05.2018 disposed of the aforesaid writ petition, the relevant portion of the same is reproduced hereunder:-

“3. In response to the averments made in the writ petition, the respondents in their objections have taken a stand that the petitioner had applied under Scheduled Caste category by way of OMR Form and was thus, short listed for driving test and interview on the basis of entries made in OMR Form. The petitioner was, however, not selected due to the fact that he had submitted an experience certificate of eight years but the same did not mention from which date the candidate had acquired such experience. It is also stated in the objections that it is true that later on the petitioner submitted another experience certificate but the same was again without number and date and therefore, it was not taken into consideration. It is also pleaded in the objections that the respondent No.5 issued notice on 12.06.2012 calling upon the candidates to submit experience certificate and on expiry of the period stipulated for submission of required

certificate, the provisional select list was framed and published in local newspapers in Jammu/Srinagar inviting objections, if any, from the interested candidates. Since the petitioner failed to submit supporting documents to clarify the discrepancy pointed out, as such, he was not considered. In paragraph No. 5 of the objections the respondents have also stated that not only the petitioner failed to submit proper experience certificate but also failed to produce caste certificate on the date of interview. It is stated that the interview for the post in question was conducted on 22.04.2012, whereas the caste certificate was submitted by the petitioner on 4.03.2013. It is thus, claimed that he petitioner had no right to be considered under Scheduled caste category, though his consideration, in the selection process was in view of entries made in OMR Form. On these two pleas, the respondents have resisted the claim of the petitioner.....


.....9. For the reasons stated above, this petition is allowed. The respondents are directed to consider the candidature of the petitioner for the post of Driver against the left over post in Schedule Caste Category notified vide Advertisement Notification No. 04 of 2006 dated 29.12.2006. Consequently, one post of driver in the Department of Health and Medical Education under SC Category District Cadre Doda notified vide Advertisement Notification No. 12 of 2013 dated 31.12.2013 shall stand withdrawn. Respondent Nos. 4 and 5 shall pass appropriate orders in this regard within a period of four weeks from the date of receipt of copy of this order. The appointing authority shall issue order of appointment in favour of the petitioner upon receiving recommendation from respondent No.5 within four weeks thereafter. In view of peculiar facts and circumstances, the petitioner is held entitled to relief as aforesaid with prospective effect.”; and


Whereas, the petitioner has also filed a contempt petition bearing Contempt No. 651 of 2018 in SWP No. 185/2014 titled Sunil Kumar Bhagat V/s Atul Dulloo and others for non compliance of Judgment dated 31.05.2018 passed by the Hon’ble Court in SWP No. 185/2014 titled Sunil Kumar Bhagat V/s State and Ors.; and

Whereas, the matter was examined in detail by the Board in its 180th meeting held on 15th of February, 2021 in deference to the Judgment/order dated 31.05.2018 passed by the Hon’ble High Court wherein it was decided to withdraw one post of Driver (under SC category) District Cadre Doda, Health and Medical Education Department advertised vide Item 923 pursuant to Advertisement Notification No. 12 of 2013 dated 31.12.2013 and to recommend the candidature of the petitioner namely **Sunil Kumar Bhagat S/O Vilayat Chand R/O Village-Drudoo, District Doda** for the post of Driver, District Cadre Doda, Health and Medical Education Department, pursuant to the Advertisement Notification No. 04 of 2006 dated 29.12.2006, Item No. 45 under SC Category with prospective effect.

Now, therefore, in deference to the judgment dated 31.05.2018 passed in SWP No.185/2014 titled Sunil Kumar Bhagat V/s State of J&K and others and as per the decision of the Board, the petitioner namely **Sunil Kumar Bhagat S/O Vilayat Chand R/O Village-Drudoo, District Doda** is hereby recommended with prospective effect to the Indenting Department for the post of Driver, (Health and Medical Education Department), District Cadre Doda pursuant to Advertisement Notice No. 04 of 2006 dated 29.12.2006 under Item No. 45 at serial no. 02 under SC Category having the merit position of 57.00 points. However, the terms and conditions will be same as per Selection List forwarded to the Indenting Department vide Communication No. SSB/Secy/Sel/013/3770-75 dated 08.10.2013.

BY ORDER.


(Sachin Jaiwal) KAS,
Secretary,

 J&K Services Selection Board

Dated: - 16.02.2021

No. SSB/Legal/S-3/14/1404-09

Copy to:-

1. Financial Commissioner, Health and Medical Education Department for information and necessary action.
2. Commissioner/Secretary to Government, General Administration Department for information.
3. Pvt. Secretary to Chairman, J&K Services Selection Board for information.
4. Sunil Kumar Bhagat S/O Vilayat Chand R/O Village-Drudoo, District Doda.
5. Selection Division/ Record file.
6. In-charge website.