

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

**Office order No: 213 SSB of 2021**

**Date: - 27.05.2021**

**Subject: SWP No. 1136/2011 titled Menakshi Jasrotia V/s State & others, SWP No. 94/2012 titled Meenakshi Jasrotia V/s State of J&K and Ors.**

Whereas, the J&K Services Selection Board vide Advertisement Notification No. 01 of 2009 dated 24.01.2009, Item No. 40 advertised one post of Case Reader under Open Merit Category in Social Welfare Department, Divisional Cadre, Jammu; and

Whereas, the Petitioner namely Meenakshi Jasrotia had applied for the post of Case Reader for Social Welfare Department pursuant to the Advertisement Notification No. 01 of 2009 dated 24.01.2009 and the mode of selection was through Academic qualification followed by interview; and

Whereas, the J&K Services Selection Board published the Provisional Select List of the candidates for the post of Case Reader, Social Welfare Department whereby the candidate/respondent namely Jyoti Sharma D/o Kuldeep Raj R/o H. No. 14 Lane No. 05 Greater Kailash, Jammu was provisionally selected figuring at S.No. 1 and the petitioner namely Meenakshi Jasrotia was figuring at serial No.1 in the Waiting List; and

Whereas, the Petitioner being aggrieved of the Provisional Selection List approached the Hon'ble High Court by way of SWP No 1136/2011 wherein the Hon'ble High Court Vide its order dated 26.05.2011 directed as follows, "**Notice for Objections. Meanwhile, selection of respondent no. 04 shall remain in abeyance.**"; and

Whereas, after coming into force of J&K Civil Services (Decentralization & Recruitment) Act, 2010, the J&K Services Selection Board re-advertised the said post of Case Reader afresh vide Advertisement Notice No. 02 of 2011 dated 28.12.2011, Item No. 169 and withdrew the post on which the selection process was already under challenge in above referred to petition; and

Whereas, the petitioner filed another writ petition before the Hon'ble High Court bearing SWP No.44/2012 titled Meenakshi Jasrotia V/s State of J&K and others, wherein the Hon'ble Court vide its Order dated 17.01.2012 directed "**that impugned Advertisement Notice qua Item No. 169 shall not be acted upon till next date before the Bench.**"; and

Whereas, the J&K Services Selection Board, inadvertently completed the selection process in respect of Notification No. 02 of 2011 and issued the Selection List and forwarded to Indenting Department (Social Welfare Department) vide letter no SSB/Sel/Secy/2017/1877-83 dated 09.02.2017 without taking note of the interim direction dated 17.01.2012 passed in SWP No.44/2012 titled Meenakshi Jasrotia V/s State and Ors; and

Whereas, the Hon'ble High Court clubbed both the Writ petitions i.e SWP No. 1136/2011 and SWP No. 44/2012 titled Meenakshi Jasrotia V/s State & others, and disposed of vide its Order dated 08.03.2018 which is reproduced as under:-

*"I have considered the submissions made by the learned counsel for the parties and have perused the record. A bench of this court vide order dated 26.05.2011 has kept in abeyance the selection of respondent no. 4 for the post of case reader. Instead of keeping the writ petition pending, I deem it appropriate to dispose of the same with a direction to the respondent-Services Selection Board to examine the claim of the petitioner for appointment to the post in question and in case the petitioner is found to be more meritorious candidate than the respondent no. 4, the petitioner shall be given appointment to the post of Case Reader. Let this exercise be carried out within a period of two months from the date of receipt of certified copy of order passed today. Accordingly, the writ petition is disposed of along with connected MP.*

SWP No. 44/2012, MP No. 47/2012

*Appearance as above. In this writ petition, the petitioner has assailed the validity of Advertisement Notice No. 02 of 2011 dated 28.12.2011. A bench of this Court Vide Order dated 17.02.2012 has stayed said Advertisement Notice qua item No. 169 for the post of Case Reader. In view of the order passed by this Court in SWP No. 1136/2011 today, the impugned Advertisement Notice qua the post of Case Reader is quashed and the Writ petition is disposed of accordingly, along with connected MP."*

Whereas, the matter was deliberated in a meeting held on 24.02.2021 convened by the Secretary to Government, Department of Law, Justice and Parliamentary Affairs which was attended by the Special Secretary, Law Department, Additional Secretary, GAD and Secretary, JKSSB and the following decision were taken:-

**"1. The Services Selection Board shall examine the claim of the petitioner in SWP No. 1136/2011 for appointment to the post of Case Reader in accordance with the directions of the Hon'ble Court dated 08.03.2018 and pass appropriate speaking Order accordingly.**

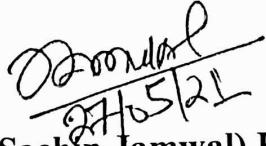
**2. The Selection/appointment made pursuant to Advertisement Notice No. 02 of 2011 dated 28.12.2011 quo Item No. 169 which was earlier kept in abeyance by the Hon'ble High Court vide Order dated 17.01.2012 passed in SWP No. 44/2012 and finally quashed by the Hon'ble High Court vide order dated 08.03.2018 loses its significance in view of the fact that said advertisement notice was already kept in abeyance by the Hon'ble High Court by its interim directions which were never modified or vacated by the Hon'ble Court and selection made on such advertisement may not stand the judicial scrutiny. The Services Selection Board shall take appropriate remedial measures including withdrawal of its recommendation made in pursuant to Advertisement Notice No. 02 of 2011 dated 28.12.2011 for the post of Case Reader and take up the matter with Social welfare Department accordingly. However, before taking any action after withdrawal of recommendation, the candidate so appointed against such advertisement shall be provided an opportunity of being heard by the appointing authority before passing/issuing any order on the subject.";and**

Whereas, the matter was examined by the J&K Services Selection Board in compliance with the directions of the Hon'ble High Court, Jammu and as per the Minutes of the Meeting dated 24.02.2021 referred to hereinabove, and it was decided to withdraw/cancel the recommendation of the candidate namely Shahnawaz Ahmad Sheikh S/O Bashir Ahmad

Sheikh, R/o Hidyah Kishtwar for the post of Case Reader, Social Welfare Department, Divisional cadre Jammu, Advertisement Notification No. 169 (02 of 2011 dated 28.12.2011).

Now, therefore, in due deference to the Judgment/order dated 08.03.2018 passed by the Hon'ble High Court in SWP No.1136/2011 and SWP No. 44/2012 titled Meenakshi Jasrotia V/s State & others and as per the decision of the Board, the recommendation/selection of the candidate namely **Shahnawaz Ahmad Sheikh S/o Bashir Ahmad Sheikh, R/o Hidyah Kishtwar** vide Communication No. SSB/Secy/Sel/2017/1877-83 dated 09.02.2017 for the post of Case Reader, Social Welfare Department, Divisional Cadre Jammu, pursuant to the Advertisement Notification No. 02 of 2011 dated 28.12.2011 Item No. 169 is hereby withdrawn/cancelled ab-initio.

By Order.

  
 (Sachin Jamwal) KAS,  
 Secretary,

 J&K Services Selection Board

No. SSB/Legal/M-14/12/ 681- 87

Dated: -27.05.2021

Copy to the:-

1. Commissioner/Secretary to Government, General Administration Department, Civil Secretariat, Jammu/Srinagar for information.
2. Secretary to Government, Social Welfare Department, Civil Secretariat, Jammu/Srinagar for information and requested to provide an opportunity of being heard to the candidate so appointed against such advertisement before passing/issuing any order on the subject.
3. Secretary to Government, Department of Law, Justice and Parliamentary Affairs, Civil Secretariat, Jammu/Srinagar for information.
4. Special Secretary (L), JKSSB for information.
5. Pvt. Secretary to Chairman, JKSSB for information of the Chairman.
6. Selection Division/ Record file.
7. In-charge website.