

GOVERNMENT OF JAMMU AND KASHMIR,
J&K SERVICES SELECTION BOARD,
Hema Complex, Sector-3, Channi Himmat, Jammu.
(www.jkssb.nic.in)

NOTICE

**MR. GAGANDEEP SINGH
S/O SH. JEET SINGH,
R/O MOHALLA RADIO STATION WARD NO. 02,
DISTRICT POONCH.**

No: - SSB/Legal/637 ⁴¹ 45 | 21

Dated: - 29 .04.2021

Subject:- Contempt (SWP) No. 469/2018 in SWP No. 2677/2015 titled Charanjeet V/s State of J&K and others.

Whereas, the J&K Services Selection Board vide Notification No. 01 of 2011 31.01.2011 advertised various posts including the post of Cultural Assistant (Jr. (Information Department), District Cadre Poonch under Item No's: 768 & 789 with following break up:-OM=03, RBA=01, SC=01 Total=05;and

Whereas, the prescribed qualification for the aforesaid post is:-

“Matric with experience in any one of the Musical Instruments violin, S Harmonium, Tabla, Drum, Flute. Preference will be given who are proficient in the field.”; and

Whereas, the J&K Services Selection Board after completion of the selection process issued the Selection List and forwarded the same to the Indenting Department, communication No. SSB/Sel/Secy/014/1558-63 dated 03.03.2014, wherein one candidate namely Gagandeep Singh was figuring at serial No. 03/OM and the candidate (Charanjeet Singh) figuring at serial No. 01/OM in the Waiting List under Open Merit Category, but recommendation of both the candidates was kept withheld subject to outcome of SWP No. 725/2013 titled Attinderpal Singh Vs State of J&K and others;and

Whereas, the said petitioner namely Attinder Pal Singh did not qualify the practical test required for the reasons stated herein above and the interim direction dated 04.04.2013 was accordingly vacated. The issue was placed before the Board in 11th meeting held on 18.02.2015 and the Board decided to release the withheld recommendation subject to outcome of the main writ petition SWP No. 725/2013;and

Whereas, the J&K Services Selection Board, vide Order No. 240-SSB of 2015 dated 15.05.2015, released the withheld recommendation of private respondent/candidate namely Gagandeep Singh by issuing a Speaking order; and

Whereas, a writ petition has been filed before the Hon'ble High Court bearing SWP No. 2677/2015 titled Charanjeet Singh Vs State of J&K and others seeking following reliefs :-

- i. writ of Certiorari quashing the order No. 240 SSB of 2015 dated 15.05.2015 issued by respondent no. 3

- ii. Writ of certiorari quashing the experience certificate issued by respondent no. 7, Gurdwara Parbandhak Committee, District Poonch vide its reference no. GSSP/1/12 dated 15.04.2012 being not registered by any registered or recognized institute/authority for the purpose of Sangeet as Ragi, which is again not covered under the required fields of experience i.e Violin, Sitar, harmonium, Tabla, Sarangi, Rabab, drum and flute provided in clause two of the advertisement notice annexure P-7
- iii. Writ of certiorari quashing the final list for the posts of Cultural Assistant (Junior Scale) District cadre Poonch (information Department) published vide no. DIP/J/9823 dated 05.03.2014 published in Daily Excelsior local news paper issue of March 7, 2014. Writ of mandamus directing the respondents to consider, select and appoint the petitioner as Cultural Assistant (Junior Scale). Writ of mandamus directing the respondent no. 3 to supply the information to the petitioner sought vide applications dated 5.03.2104 and 01.06.2015 and take penal action against the respondent no. 8 for non compliance of the provisions of Right to Information Act and rules made there under in a time bound manner.

Whereas, the Hon'ble High Court vide its order dated 26.11.2015 dismissed the Writ petition bearing SWP No. 725/2013 titled Attinderpal Singh Vs State of J&K and others for non-prosecution; and

Whereas the Hon'ble High Court, Jammu vide its Order dated 09.03.2018 also disposed of the SWP No. 2677/2015 titled Charanjeet Singh V/s State of J&K and Others with the following directions:-

"4. The short grievance of the petitioner is that respondent No. 3 converted the demerit of all three private respondents into the merit and the merit of the petitioner converted into demerit and therefore, they got higher points and selected. To further emphasis the said plea, learned counsel for the petitioner states that respondent No. 7 is a President Gurudwara Parbandhak Committee, District Poonch has issued a certificate (Annexure p-12) dated 29.04.2012 in favour of respondent No. 4, which is invalid by law and therefore, it should have been ignored and consequently, the selection should be set aside and the petitioner should be considered.

5. the issue raised by the petitioner is disputed questions of fact as to whether the certificate issued by respondent No. 7 in favour of respondent No. 4 is valid or not and as to what effect of such a certificate which has to be decided by the competent authority/Services Selection Board.

6. In this view of the matter, this court is unable to give any relief at this juncture, except giving liberty to the petitioner to make a detailed representation to respondent no. 3, who shall consider the same expeditiously, preferably within period of six to eight weeks from the date of receipt of certified copy of this order alongwith the detailed representation.

7. If any action is proposed to be taken adverse to the private respondents, who have been selected, it is necessary that they are put to notice so as to avoid allegations of principles of natural justice.

8. The writ petition along with connected MP stands disposed of in the above terms."

Whereas, the issue was taken up with the Department of Information vide communication No. SSB/1615/Legal dated 20.11.2018 followed by communication No. SSB/Legal/2020/4962 dated 10.08.2020, with the request to intimate as to whether the

certificate issued in favour of Gagandeep Singh can be considered for selection for the post of Cultural Assistant and also for tendering opinion regarding the validity of the said certificate, so as to enable the Board to take the matter to its logical conclusion in due deference to the directions passed by the Hon'ble Court; and

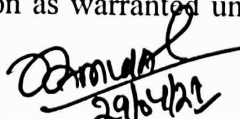
Whereas, the Information Department vide its communication No. ID/WP13/2015 dated 19.11.2020 intimated that through their office communication dated 19.11.2020 that the matter was taken up with the University of Jammu vide Office letter No. ID/WP/13/2015 dated 09.09.2020 and the Registrar, University of Jammu vide letter No. PA/REG/20/1122-23 dated 16.10.2020 who informed that the matter was referred to the Principal, Institute of Music and Fine Arts(IMFA) of the University for comments, the same is reproduced as under:-

“A Certificate given by a Government recognized Academy of Music is considered valid for any appointment in Government Sector. Since the Gurudwara Parbandhak committee is not a Government recognized academy or Institution therefore, they can only give a letter of appreciation and that cannot be considered valid for appointment in Government sector”.

Whereas, in compliance with the directions dated 09.03.2018 passed by the Hon'ble High Court in SWP No. 2677/2015 titled Charanjeet Singh Vs State and Others and the clarification received from Indenting department, the matter was placed before the 182nd Board meeting held on 23rd April,2021 and after threadbare discussions, it was decided to issue you a notice for calling thereupon you to explain as to why your recommendation be not withdrawn by the Board in view of clarification furnished by the Indenting Department for the post of Cultural Assistant (Jr. Scale) (Information Department), District Cadre Poonch under Item No. 768 & 789.

Now, therefore, in deference to the direction dated 09.03.2018 passed by the Hon'ble High Court in SWP No 2677/2015 titled Charanjeet Singh V/s State of J&K and others and in light of clarification received from the Information Department, you are hereby directed to show cause as to why your recommendation for the aforesaid post should not be cancelled/withdrawn since as per clarification received from the Information Department, experience obtained by you from Gurudwara Parbandhak Committee cannot be considered valid for appointment in Government sector. You are directed to explain your position within a period of **10 days**, failing which an action as warranted under law shall be taken against you without any further notice.

By Order,


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

Copy for information to:-

1. Principal Secretary to Government, Information Department, Civil Secretariat, Jammu.
2. Commissioner/Secretary to Government, General Administration Department, Civil Secretariat, Jammu
3. Sh. Ayjaz Lone, Deputy Advocate General, J&K High Court, Jammu.
4. Private Secretary to Chairman for information to the Chairman.
5. I/C website