

**GOVERNMENT OF JAMMU AND KASHMIR
J&K SERVICES SELECTION BOARD,
CPO CHOWK, PANJTIRTHI, JAMMU / ZAM ZAM COMPLEX RAMBAGH
SRINAGAR
(www.jkssb.nic.in)**

Order No : 54 -SSB of 2025

Dated: 20.02.2025

Sub: CCP(S) 130/2022 in SWP 2096/2012 titled Kirti Sudan and others Vs State of J&K and others alongwith clubbed matters-Consideration Order thereof.

Whereas, the Jammu and Kashmir Services Selection Board advertised 267 posts of Teachers in School Education Department, District Cadre Poonch pursuant to Advertisement Notice No. 07 of 2010 dated 12.11.2010 under Item No. 699; and

Whereas, the prescribed qualification as per the said Advertisement notification is reproduced as under:-

"10+2 preference will be given to the candidates having higher qualification and those having passed B. Ed/ M. Ed and Diploma in ETT/NTT."

Whereas, the prescribed selection criteria adopted is as under:-

I.	10+2	25 points (on prorated basis)
II.	Graduation	10 points (on prorated basis)
III.	ETT/NTT	05 points (on prorated basis)
IV.	B.Ed	15 points (on prorated basis)
V.	Post-Graduation	10 points (on prorated basis)
VI.	M.Ed	10 points (on prorated basis)
VII.	M.Phil	02 points (across the Board)
VIII.	Ph.D after M.Phil	03 points (across the Board)
	or	
IX.	Ph.D(direct without M.Phil)	05 points (across the Board)
X.	Viva Voce	20 points
	Total	100 points

Whereas, after completion of the selection process, the final selection list was also issued and forwarded to the Indenting department vice communication No. SSB/Sel/Secy/012/2374-76 dated 06.09.2012; and

Whereas, feeling aggrieved of being not figured in the final selection list, petitioners approached the Hon'ble High Court by way of filing writ petition bearing SWP No. 2096/12 titled Kirti Sudan and others Vs State of J&K and others; and

Whereas, the Hon'ble High Court vide its judgment dated 05.09.2019 disposed of the said writ petition and the operative part is reproduced hereunder:

"The present writ petition is disposed of with a direction to the respondents to consider the claim of the petitioners in the light of Order no. 940-Edu of 2017 dated

17.11.2017 and strictly in accordance with the rules governing the subject. Disposed of accordingly.”

Whereas, in compliance to the judgment of the Hon'ble High Court, a sub-committee was constituted vide order No. 386-SSB of 2021 dated 21.12.2021 to examine the matter and the sub-committee accordingly examined the original records viz-a-viz bonafide certificates of all the petitioners in light of rules governing the field and observed that the Post-Graduation Degree of 15 petitioners in science subjects has come under the purview of Government Order 252-HE of 2012 dated 30.05.2012 which is as under: “iii) The degree obtained through distance Education mode from off campuses which have been established by the State Universities beyond their territorial jurisdiction shall not be recognized” and as such is hit by the said order. In view of above facts and subject to the approval of the Board, as such recommended to reject these candidates for the post in question; and

Whereas the matter was then placed before the 197th Board meeting held on 25.01.2022 and the decision of the Board is reproduced as under:-

“The Board also sought to know about contents of the Government order No. 940-Edu of 2017 dated 17.11.2017 as has been referred to in the judgment passed by the Hon'ble High Court. It was informed that the provisions of the aforesaid Government order provide for mechanism to check and verify the validity and genuineness of degrees obtained through distance Mode by in –services candidates of the School Education Department and as such is not applicable to facts and circumstances of the present case. It was noted that the case of the petitioner will be governed by the provisions of the Government order No. 252-HE- of 2012 dated 30.5.2012 as they have acquired their qualification through distance Mode from outside the State of Jammu and Kashmir. Therefore in pursuance of the directions of the Hon'ble High Court in the afore-titled petition together with the recommendations of the sub-committee, it was decided to reject the claim of 15 petitioners for the post of Teacher in School Education department district cadre Poonch pursuant to Advertisement Notice No. 07 of 2010 dated 12.11.2010 under item No. 699, as their case is being not in consonance with the provisions of the Government order No. 252-HE of 2012 dated 30.5.2012.”

Whereas, the case of the petitioners was considered in compliance to Hon'ble High Court directions and the claim of the petitioners was found devoid of any merits and rejected vide Order no. 227-SSB of 2022 dated 08.07.2022 and accordingly compliance report was filed by the J&K Services Selection Board in the contempt petition; and

Whereas, the Hon'ble High Court negated the compliance report filed by the Board and passed the following operative directions on 12.06.2023 which is reproduced as under:

“.. 5. A perusal of compliance report reveals that the respondents have not taken note of the Government Order No. 252-HE of 2012 in its right perspective and also of the Communication made by the Annamalai University to the respondents...”

Whereas, the Sub- Committee was again constituted vide Order No. 121-SSB of 2023 dated 27.06.2023 and on the recommendation of the Committee, the matter was again placed in 241st Board Meeting and the decision of the Board is reproduced as under:

“The Board deliberated various aspects of the case viz-a-viz Report of the Committee constituted vide office order no. 121-SSB of 2023 dated 27.06.2023 and noted that the issue pertains to the inconclusive selection in respect of the posts referred prior to 31.10.2019 and are, therefore, squarely falling under the ambit of the provisions of the

Administrative Council Decision No. 1/1/2022 of 2022, later communicated by the General Administration Department vide letter dated 03.02.2022.

The Board, accordingly, accepted the Report of the Committee and advised the Legal Section to examine the case for further necessary action accordingly."

Whereas, the Board accordingly filed another compliance report/Statement of facts and the Hon'ble High Court on 20.12.2023 passed the following directions:

"For proper adjudication of the controversy involved in the present petitions, this court deems it proper to peruse the record of the writ petition. The Registry is directed to tag the record of SWP No. 2092/2012.

MsSaliqa Sheikh Advocate shall produce the record in respect the recommendation made by the J&K Services Selection Board regarding the selection in question..."

Whereas, the record was also produced before the Hon'ble High Court and the Hon'ble High Court vide order dated 25.11.2024 passed the following directions:

"01. On 12.06.2023, this Court had directed the respondents to file fresh compliance taking note of the Government Order No. 252-HE of 2012 and also the communication made by the Annamalai University to the respondents. On 16.02.2024 the compliance report filed by the respondents dated 18.11.2023 was rejected by this Court. The respondents had to consider the applicability of Government Order No. 252-HE of 2012 dated 30.05.2012 to the extent, claim of the petitioners is concerned.

02. Mr. GaganBasotra, learned senior counsel has stated that the Government Order No. 252-HE of 2012 dated 30.05.2012 specifically refers to Clause VI. For facility of reference clause (vi) is reproduced herein below:

"(vi) The degree awarded by the Universities, whether situated within or outside the State through distance mode in the subjects falling in Science Stream, where practicals are part of the curriculum, shall not be considered as equivalent to the corresponding degrees awarded through regular mode by the State Universities. However, degrees in such of the Distance Education Council approved science subjects where practicals are part of the curriculum and are conducted from within the respective campuses of the University Grants Commission recognized Universities established by an Act of the Parliament or the State Legislature, shall also be recognized."

As such, the respondents who have admitted in the compliance report that Government Order No. 943-Edu of 2017 dated 17.11.2017 is not applicable to the petitioners are under an obligation to consider the claim of the petitioners in terms of Government Order No. 252-HE of 2012 dated 30.05.2012.

03. Learned counsels for the respondents seek and are granted three weeks' time as last and final opportunity to file fresh compliance report in consonance with the orders passed by this Court on 12.06.2023 and 16.02.2024, failing which respondents 2 and 3 are directed to appear in person along with record."

Whereas, in compliance of the order passed by the Hon'ble High Court, the matter was again placed in 294th Board Meeting and it was decided to take up the matter with the Higher Education Department regarding the validity of the degrees of the petitioners under Clause-VI of Govt. Order no. 252-HE of 2012 dated 30-05-2012 issued by the Higher Education Department. Accordingly vide communication dated 24.01.2025, the matter was

taken up with the Higher Education Department in order to ascertain the validity of the degrees acquired by the petitioners in terms of clause VI of Govt. Order No.252-HE of 2012; and

Whereas, the Higher Education Department examined the case of the petitioners under relevant provisions of Govt. Order no. 252-HE of 2012 and vide communication dated 19.02.2025 conveyed that "*the Bonafide certificates/Degrees obtained by the petitioners from Annamalai University under different science streams through the Distance Mode from time to time does not come under the purview of the relevant provisions of the Government Order No. 252-HE of 2012 for the aforesaid post*"; and

Now therefore, in view of aforesaid facts and in due deference to the order dated 12-06-2023 passed by the Hon'ble High Court, Jammu, the case of the applicants/petitioners has been considered and found devoid of any merit, hence rejected.

By Order.



(Atul Kumar) JKAS
Secretary

J&K Services Selection Board

No.: JKSSB-LEG/(E-197353)

Dated: 20.02.2025

Copy to the:

1. Financial Commissioner (Additional Chief Secretary), Education Department, J&K Civil Secretariat, Jammu/Srinagar for kind information.
2. Commissioner/Secretary to the Government, General Administration Department, Civil Secretariat, J&K, Jammu for kind information.
3. Ld. Counsel, J&K Services Selection Board.
4. P.A to Chairperson, JKSSB, for the information of the Chairperson.
5. Petitioners concerned.
6. Order File.