

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

ORDER NO. 353 -SSB of 2021
DATED: 06 -12-2021

Subject: - O.A. No. 16/852/2020 titled Aarohi Sharma Vs State and others.

Whereas, the Jammu and Kashmir Services Selection Board (JKSSB) advertised posts including the post of Physiotherapist. (Health and Medical Education Department) GMC Kathua, under Divisional Cadre Jammu in pursuant to Advertisement Notification No. 05 of 2019 dated 01.02.2019 under Item No.015 with the following breakup:-

OM=01, RBA=01, Total=02

Whereas the prescribed qualification for the aforesaid post is as under:-

“10+2 with degree in Physiotherapy from any recognized Institute/SMF”

Whereas, the Jammu and Kashmir Services Selection Board (JKSSB) after completing the Selection Process, issued the Selection List and forwarded the same to the Indenting/Administrative Departments vide Communication No. SSB/Secy/Sel/J/23/2020/709-15 dated 20.01.2020. The Candidate (petitioner herein after) namely Aarohi Sharma (OM) secured 79.38 points, figured in the Selection List at Serial No. 01 under OM Category, however, her recommendation was kept withheld subject to validity and verification of degree and production of Bonafide certificate from the concerned University for the post of Physiotherapist, (Health and Medical Education Department) GMC Kathua, Divisional Cadre Jammu; and

Whereas, the Board has received a clarification from Education Officer, University Grants Commission, Bhadurshah Zafar Marg New Delhi vide No. F.No.7-14/2018 (CPP-II) dated 10.06.2020, which reveals that Bachelor of Physical Therapy is not specified degree, however, Bachelor of Physiotherapy is specified degree under section 22 UGC Act, 1956 and can be awarded by any statutory University/deemed University in accordance with the UGC norms regulations.

Whereas, the case of the candidate was placed before the Board in its 172nd Board Meeting and after perusing /examining the document placed on record, it was decided to declare the applicant as NOT ELIGIBLE, for not holding prescribed qualification for the post of Physiotherapy and accordingly vide Order No. 232-SSB of 2020 dated 15.09.2020 the withheld selection of Aarohi Sharma Do Ajay Kumar Sharma figuring at S. No. 01 for the post of Physiotherapist vide Item No. 015 (05 of 2019) was cancelled ab-initio; and

Aarohi

Whereas, the applicant feeling aggrieved of the aforesaid Order issued by the Board, approached the Hon'ble Central Administrative Tribunal (CAT) by filing the OA bearing No. 852/2020 titled Aarohi Sharma V/s UT of J&K and others and the Hon'ble Central Administrative Tribunal, Jammu vide order dated 24.09.2020 disposed of the OA with the following directions:-

"In view of the position explained above, we hereby direct the respondents to examine the candidature of the applicant afresh. In the meantime, the wait listed candidates may not be called in her place till the disposal of the applicants request by the respondents. Respondents may complete this exercise within a period of four weeks from the date of receipt of a certified copy of this order. The final decision along with the reasons may also be conveyed to the applicant".

Whereas, subsequently vide communication dated 21.9.2020 received from Registrar, Manipal Academy of Higher Education, it was intimated that the petitioner has successfully completed the Bachelor of Physiotherapy degree Programme of Manipal Academy of Higher Education (MAHE) Deemed University, in July, 2005. However, while issuing the degree certificate in March 20, 2006 a typographic error occurred and in the degree certificate it was printed as Bachelor of Physical Therapy instead of Bachelor of Physiotherapy. This error was noticed only when candidate informed the University on September 17, 2020. Further, University has decided to reissue the degree certificate of Bachelor of Physiotherapy to the candidate as soon as she returns the original degree certificate issued in March 20, 2006; and

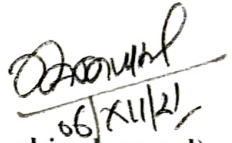
Whereas, the applicant has submitted the Bonafide certificate and the Degree Certificate of Bachelor of Physiotherapy reflecting therein that the applicant Aarohi Sharma has done Bachelor of Physiotherapy (BPT) from Kasturba Medical College, Mangaluru/ Manipal Academy of Higher Education through Regular mode w.e.f 13.08.2001 to 09.03.2006 and has also done Master of physiotherapy (MPT) (Neurological Science and Pediatric Neurology) through regular mode from 16.08.2006 to June 2009; and

Whereas, in compliance with the Judgement of the Hon'ble Tribunal, the case of the applicant was examined afresh and placed in 186th Board meeting held on 26.08.2021 and 27.8.2021 for consideration wherein it was decided that a Sub-Committee will verify the original documents of the applicant before considering the case of the applicant for releasing her recommendation and as a sequel, the Sub-Committee verified her documents and recommended to release the recommendation in favour of the candidate, namely, Aarohi Sharma.

Amal

Now, therefore, in deference to the order dated 24.09.2020 passed by the Hon'ble Tribunal in OA NO. 852/2020 Titled AaroHi Sharma V/s State and others, and as per the decision of the Board together with recommendations of the Sub-Committee, the recommendation of the candidate namely AaroHi Sharma W/o Digvijay Sharma R/o H.No.412 Sec No. 01 Colonel Colony Talab tillo, Jammu is hereby released for the post of Physiotherapist under OM category at Serial No. 01 of the Selection List (Health and Medical Education Department) GMC Kathua Divisional Cadre, Jammu pursuant to Advertisement Notification No.05 of 2019 under Item No.015. However, the terms and conditions shall be same as mentioned in Selection List forwarded to the Indenting Department vide Communication No. SSB/Secy/Sel/J/23/2020/09-15 dated 20.01.2020.

BY ORDER


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



Dated: 06.12.2021

No. SSB/Legal/A-1/21 /1438-34
Copy to the:-

1. Additional Chief Secretary Health & Medical Education Department, Civil Secretariat Jammu for information and necessary action.
2. Commissioner/Secretary to Government, General Administration Department, Civil Secretariat, Jammu for information.
3. Mr. Amit Gupta, Ld. Additional Advocate General, J&K High Court, Jammu.
4. Pvt. Secretary to Chairman, JKSSB for kind information of the Chairman.
5. Ms. AaroHi Sharma W/o Digvijay Sharma R/o H.No. 412 Sec. No. 01 Colonel Colony, Talab Tillo, Distt. Jammu.
6. Selection Division/ Record file.
7. In-Charge Website.