

**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 : 66-SSB of 2025

Dated: 97.02.2025

Sub: O.A 1315/2024 titled Rinku Devi Vs UT of J&K and Ors-Consideration Order thereof.

Whereas, the J&K Services Selection Board advertised the posts of Supervisor, Social Welfare Department vide Advertisement No. 02 of 2023 dated- 08.12.2023; and

Whereas, the J&K Services Selection Board has conducted the OMR based written examination on 23.06.2024 and notified the Result/Scoresheet for the post of Supervisor vide Notification No. JKSSB-COE/1/2024-06 (7480543) dated: 09.07.2024; and

Whereas, vide Notification No. JKSSB/COE/1/2024-06(7480543)/Rev. dated 03.10.2024, the revised result of written test for the post of Supervisor, Social welfare Department was notified as per the prescribed criteria notified in the Advertisement No. 02 of 2023 for the said post which is also reproduced as under: -

- i. 95 marks for Objective Type Multiple Choice Examinations (120 Marks scaled down to 95 Marks).
- ii. 05 Marks to the candidates having Home Science, Development/Sociology as one of the subjects.

Whereas, the J&K Services Selection Board notified the list of eligible candidates falling in the consideration zone for Document Verification; and

Whereas, the applicant produced two RBA certificates which were after the cut-off date and the remarks in the DV form as diarized by the DV committee is as under:

“RBA Certificate of the candidate is issued after cut off date.”

Whereas, feeling aggrieved, the applicant filed O.A 1315/2024 titled Rinku Devi Vs UT of J&K and others seeking following reliefs:

“To select and appoint the applicant to the District Cadre post of



Supervisor under RBA category in District Ramban pursuance to advertisement notification no. 02 of 2023 dated 08.12.2023.

Not to select and appoint any other candidate to the district cadre post of Supervisor under RBA category in District Ramban pursuance to advertisement notification no. 02 of 2023 dated 08.12.2023 as the applicant is the meritorious candidate figuring at S.No 1 under RBA category for the post mentioned above.

To entertain the RBA certificate no. JK-REB-SEB/2024/15800 dated 17.11.2024 of the applicant issued by the Tehsildar Rajgarh for her selection and appointment as District cadre post of Supervisor under RBA category in District Ramban pursuance to advertisement notification no. 02 of 2023 dated 08.12.2023."

Whereas, the Hon'ble Tribunal vide order dated 29.11.2024 passed the following directions, the operative part of which is reproduced as under:

"...Meanwhile, Respondent No. 2 shall consider the candidature of applicant under RBA category for the post of Supervisor in Social Welfare Department for which she has been short listed and placed at serial No. 1 vide annexure 'A' of the O.A. and take a decision in the light of Dolly Chhanda Vs. Chairman JEE, 2005 (9) SCC 779, Ram Kumar Gijroya Vs. Delhi Subordinate Services Selection Board and another, 2016 (4) SCC 754, a judgement of Delhi High Court in Sunil Pooja Vs. Staff Selection Commission in WP (C) No. 8201 of 2019 and a Division Bench judgement of High Court of Jammu & Kashmir and Ladakh in WP (C) No. 408 of 2022 in the case of Saima Ashraf Vs. UT of J&K..."

Whereas, the case of the applicant was examined in view the judgment of Hon'ble Supreme Court in the case of **Ram Kumar Gijoriya** which provides reservation for the posts reserved for SC and ST categories and the case of the applicant is different and not covered under the said judgment. The operative part of judgment is as under:-

"...18. While taking a particular view in such matters one has to keep in mind the objectives behind the post of SC and ST categories as per constitutional mandate prescribed in Articles 15(4) and 16(4) which are enabling provisions authorising the Government to make special provisions for the persons of SC and ST categories. Articles 14(4) and 16(4), therefore, intend to remove social and economic inequality to make equal opportunities available in reality. Social and economic justice is a right enshrined for protection of society.

The right in social and economic justice envisaged in the Preamble and elongated in the Fundamental Rights and Directive Principles of the Constitution, in particular Arts. 14,

15, 16, 21, 38, 39 and 46 are to make the quality of the life of the poor, disadvantaged and disabled citizens of the society meaningful..”

Whereas, the Board also considered the case titled **Divya Vs Union of India**, judgment dated- 09.10.2023 passed by the Hon'ble Supreme Court, the operative part of which is reproduced as under:


ii) As a sequel to conclusion (i) above, we record that the UPSC was justified in prescribing the cut-off date for possession and for uploading of the I&AC in the prescribed format for claimants claiming benefits under the EWS Category. This flows from the O.M. dated 19.01.2019 & 31.01.2019 read with Rules 13, 27(3) and 28 of the CSE-Rules, 2022 and the long line of judgments in which principles for prescription of cut-off for eligibility are laid down.

iv) Rules 13, 27(3) and 28 of the CSE-Rules, 2022 are constitutionally valid for the reasons set out in para 61 herein above under the sub-heading "Validity of CSE- Rules, 2022 - Validity of the cut-off date". v) The UPSC was justified in rejecting the claim of the petitioners, for consideration under the EWS Category in CSE-2022."

Whereas, the matter was also considered in light of **Saima Ashraf** judgment wherein the Hon'ble Court had upheld the validity of the State Subject certificate of the petitioner in light of having a valid RBA certificate issued by the competent authority. Thus, the matter is not similarly situated to the case of the applicant herein.

Now, therefore, in view of aforesaid facts and in due deference to the order dated- 29.11.2024 passed by the Hon'ble Central Administrative Tribunal, Jammu Bench, the case of the applicant is considered in the Board and found devoid of any merit, hence rejected.

By Order.


(Atul Kumar) JKAS
Secretary
J&K Services
Selection Board

No.: JKSSB-LEG/(E-7613308)

27.02.2025

Dated:

Copy to the:

1. Commissioner/Secretary to the Government, General Administration Department, Civil Secretariat, J&K, Jammu for kind information.
2. Commissioner/Secretary to the Government, Social Welfare Department, Civil Secretariat, J&K, Jammu for kind information.
3. Ld. Counsel, J&K Services Selection Board.
4. Private Secretary to Chairperson, JKSSB, for the information of the

Chairperson

5. Applicant concerned.
6. Order File.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.