

1/208173/2023

GOVERNMENT OF JAMMU AND KASHMIR
JAMMU & KASHMIR SERVICES SELECTION BOARD
CPO Chowk, Panjithirthi, Jammu/Zam-zam Complex Rambagh, Srinagar
(www.jkssb.nic.in)

Subject: O.A./147/2023 titled Neeha Falak vs Union Territory of J&K through Commissioner/Secretary to Government, Health and Medical, Education Department & Ors - Consideration Order thereof.

ORDER No. 93 -SSB of 2023

Dated: 04-05-2023

Whereas, the Health and Medical Education department, vide indent No. HD/Drug/24/2020 dated 25-09-2020 followed by No. HD/Drug/24/2020 dated 07.01.2021. and No. ME/NG/83/2020 dated 08.03.2021 and No. HD/Coord/64/2020 dated 25.09.2020 and No. HD/Coord/63/2020 dated 25.09.2020 and No. HD/ISM/62/2020 dated 25.09.2020 and No. HD/Coord/64/2020 dated 05-03-2021 and No. ME/NG/83/2020 dated 28.09.2020, among other posts, forwarded the requisition for making direct recruitment to the 582 posts of Nursing Domain; and

Whereas, the Jammu and Kashmir Services Selection Board (JKSSB) advertised the aforesaid 582 posts among other posts of Health and Medical Education Department vide Advertisement Notification No. **02 of 2021 dated 26.03.2021**; and

Whereas, the cut-off date for the said Notification was **12.05.2021**, which was later extended to **10.06.2021**.

Whereas, as per the Notification, the selection to these posts was to be made on the basis of Written Examination only and, accordingly, the JKSSB conducted the Computer Based Test (CBT) for these posts in multiple sessions/slots w.e.f. **17.08.2021** to **25.08.2021**; and

Whereas, on the basis of merit obtained by the candidates in the written test, the Document Verification was conducted vide Document verification Notice No. **SSB/CoE/Health/2021/7598-7606** dated **09.11.2021**, from **20.11.2021** to **04.12.2021**, after JKSSB notified domain wise list of candidates falling in the consideration zone vide No. **SSB/CoE/H&ME/2021/7477-84** dated **02.11.2021**, both at Jammu and Srinagar by the DV Committees constituted vide Order No. **380-SSB of 2021** dated **17.11.2021** followed by Order No. **386-SSB of 2021** dated **18.11.2021** and Order No. **389-SSB of 2021** dated **18.11.2021**. and separate DV committees for the left-out candidates were also constituted vide Order No. **348-SSB of 2021** dated **30.11.2021**; and

Whereas, the candidates figuring in the consideration zone for

the above mentioned posts were allowed to indicate the order of preference for various posts/items through a link provided on the official website of the Board www.jkssb.nic.in from **17.11.2021** upto **25.11.2021**, vide Notice No **SSB/CoE/Health/2021/7695-7704** dated **17.11.2021**, the date for which was extended upto **30.11.2021** vide Notice No **SSB/COE/Health/2021/7958-67** dated **25.11.2021**; and

Whereas, the Provisional Selection List for the said posts was notified vide notification No. **SSB/Sel/Secy/2023/10-19 Dated 03.01.2023** and the Final Selection list was notified vide notification No. **SSB/Sel/Secy/2022-23/283-92 dated 22.02.2023** and forwarded to the Department of Health and Medical Education vide letter No. **JKSSB/Sel/Secy/2022-23/357-61 Dated 28.02.2023** ; and

Whereas, the JKSSB, in the Provisional Selection list for the 582 posts mentioned above, notified vide notification No. **SSB/Sel/Secy/2023/10-19 Dated 03.01.2023**, the candidate namely Ms. Neeha Falak D/o Farooq Ahmad Shergojrey (DV No. 361 KMR) was provisionally selected under item no. 173 (Junior Staff Nurse, Divisional Cadre, Jammu) under OSC category at Sr. No.01 and her recommendation was kept withheld with the remark **"Recommendation withheld subject to production of valid within date Social caste certificate."** ; and

Whereas, the Advertisement notification No. 02 of 2021 Dated 26.03.2021, clearly mentions that the cutoff date as the last date of submission of the online application form which earlier was 12.05.2021 and was later extended up to 10.06.2021. It is pertinent to mention here, that the advertisement notification on page No. 02 of 157 at sub point (B), on page No. 04 of 157 at point 5(II) and point 6(II) and also on page no. 08 of 157 at point 14(i), clearly mentions the last date of Submission of online form (later extended till 10.06.2021) shall be the cut-off-date for all purposes including submission/production of valid certificates viz Category certificates ; and

Whereas, the candidate was not in possession of a valid OSC certificate either **at the time of notification** (26.03.2021), or **on the date of her filling up the application form** or **on or before the cutoff date** i.e., 10.06.2021. Also, the competent authority which has issued the OSC certificate has remarked that OSC certificate was issued on 17.11.2021 and the petitioner had applied for the renewal of her OSC certificate on 08.09.2021, which has also been pointed out by the



Document verification Committee, meaning thereby that despite not holding a valid OSC certificate at the time of notification, or on the date of filling the application form, or before the cut of date, she did not even approach for the renewal of her OSC certificate before the cutoff date i.e., 10.06.2021 and it is the documentary evidence (within date category certificate) that is taken into consideration by any recruiting agency before ascertaining whether a candidate belongs to a particular category or not and the candidate was not in possession of a valid OSC certificate from the date of notification till the cutoff date ; and

Whereas, the matter was placed before the Board at its 220th meeting held on 16.02.2023 for a decision, wherein it was decided that since the candidate was not in possession of valid other Social Caste(OSC) certificate as on cut off date i.e 10.06.2021 as such she cannot be treated as an OSC candidate and her candidature be considered under Open Merit category; and

Whereas, the **cut off merit under OM category** under Item no:173 i.r.t Advertisement Notification No. **02 of 2021 dated 26.03.2021 is 94.6813** and whereas the candidate(applicant) namely Neeha Falak possesses **94.4857** and in view of her merit she could not make into the selection list as an Open Merit candidate.

Now, therefore, in compliance to the Order dated 01.03.2023 passed by the Hon'ble Central Administrative Tribunal, Srinagar in OA No. 147/2023 titled Neeha Falak Vs Union Territory of J&K through Commissioner/Secretary to Government, Health and Medical, Education Department & Ors., the case of the applicant has been considered for aforesaid post and found to be without any merit and hence rejected.

By Order.


04/05/23
(Sachin Jamwal) JKAS
Secretary,
J&K Services Selection
Board


2023

No: SSB/legal/2023-24/583-68

Dated: 4-5-2023

Copy to the:

1. Commissioner/Secretary to the Government, General Administration Department.
2. Secretary to Government, Health and Medical Education, Department.
3. Ld. Additional Advocate General, JKSSB.
4. Director Information, J&K, with the request to publish this order in at least three leading newspapers of Jammu/Srinagar.
5. Pvt. Secretary to Chairman, JKSSB, for information of the Chairman.
6. Statistical Division, JKSSB, Jammu for information and compilation of record.
7. I/c Website, JKSSB

