

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

ORDER NO. 376 -SSB of 2021
DATED: 05 -11-2021

Subject: - SWP No. 1567/2018 titled Pawandeep Singh Vs State and others

Whereas, that the Jammu and Kashmir Services Selection Board (JKSSB) advertised posts including the post of Assistant Extension Officer, Industries and Commerce Department, under Divisional Cadre Jammu in pursuant to Advertisement Notification No. 03 of 2012 dated 28.12.2012 under Item No.205 with the following breakup:-
OM=07,RBA=03,SC=01,ST=01,ALC=01 Total=13

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

“B.Com/B.Sc/B.Engineering”

Whereas, during the finalization of the selection process for the aforesaid posts, one candidate namely Goutam Gupta filed a writ petition before the Hon`ble High Court bearing WP(C) No. 2006/2017 titled Goutam Gupta V/s State of JK & others, alleging that he had applied for the post of Assistant Extension Officer and Block Investigator under same Notification No. 03/2012 dated 28.12.2012 for which common written test was conducted and he has been shortlisted for Block Investigator but was not shortlisted for the post of AEO wherein the petitioner is more meritorious than the shortlisted candidates. Further, he contended that he approached the respondents by making representation for considering the candidature of the petitioner for the post of AEO but the respondents did not consider his representation and issued shortlist of the candidates for the post of AEO wherein name of the petitioner did not figure, and

Whereas, that the Hon`ble High Court vide its interim order dated 11.08.2017 passed the following directions:-

“In the meantime, subject to objections and till next date before the bench, it is ordered that petitioner shall be allowed to appear in the interview for the post of Assistant Extension Officer pursuant to Advertisement Notification No. 03 of 2012. It is made clear that admitting the petitioner to interview shall not confer any right on him. The result of the petitioner shall not be declared unless directed.”

Whereas, in the meanwhile the Board issued the final selection list of 11 posts (OM=06, RBA=03, SC=01, & ALC=01) and forwarded the same to the Indenting Department vide letter No. SSB/Secy/Sel/2017/13133-39 dated 13.12.2017. However, one post under OM Category at serial No. 07 was kept reserved/ unfilled in pursuance of the direction passed in SWP No. 2006/2017 and MP No. 01/2017 titled Goutam Gupta Vs State and Others as a consequence thereof, the petitioner figured at serial No. 01 of waiting list under OM category and one post under ST category remained unfilled due to non-availability of eligible candidate under said category.

Whereas, that the Hon'ble High Court finally adjudicated the matter vide its Order dated 25.02.2019 and the operative part of order is reproduced as:-

“Learned counsel for the petitioner submitted that his grievance raised in the present petition has been addressed by the respondents. He wished to withdraw the present petition. Ordered accordingly.”

Whereas, simultaneously another Writ petition bearing SWP No. 1567/2018 titled Pawandeep Singh Vs State of J&K and Others has been filed before the Hon'ble High Court. Subsequently, the said matter has been transferred to CAT vide TA NO. 3789/2020 Titled Pawandeep Singh V/s State and Others and the Hon'ble Tribunal has disposed of the said application vide order dated 27.05.2021 and the operative part of the said order is reproduced as:-

“Today, we heard Ms. Surinder Kour, learned senior counsel for applicant and Mr. Amit Gupta, learned Additional Advocate General. 5. The basic facts are not in dispute. The applicant was one of the candidates under UR category for the post of AEO. 7 posts were available for UR category and only 6 were filled up. Against the 7th vacancy, it was mentioned that it was reserved in pursuance to the direction of the Hon'ble High Court in SWP No. 206/2017. However, the applicant was shown at Sl. No. 1 in the waiting list of that category. 6. In case there existed any interim order reserving the post in favour of Mr. Goutam Gupta or if he was otherwise selected, the applicant cannot have any case at all. The record, however, discloses that (a) there was no interim order passed by the Hon'ble High Court, reserving any post in favour of Mr. Goutam Gupta, (b) the SWP filed by Mr. Gupta has since been withdrawn; and (c) Mr. Gupta is said to have been selected and appointed as BIO. The result is that the 7th vacancy in UR category remained unfilled and the applicant is the next in the merit list. Therefore, he is entitled to be considered against that vacancy. 7. We, therefore, allow the T.A. and direct the respondent Nos. 3 to 6 to consider the case of the applicant for selection and appointment against the 7th vacancy in the UR category for the post of Assistant Extension Officer (AEO) and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order.”

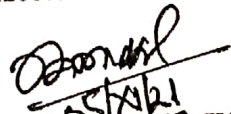
Whereas, the matter was then taken up with the Indenting Department vide communication No. SSB/Secy/Sel/P/2019/4351-52 dated 30.07.2019 with the request to provide the reconciliation of the posts of Assistant Extension Officer and the availability of one post under OM category against which petitioner can be considered and recommended and the said Indenting Department vide communication No. IND/legal-

144/2020 dated 23.3.2021 has communicated that two posts of Assistant Extension Officers (01-OM and 01-ST) still have not been returned by JKSSB, indicating thereby that the one post under OM category which remained unfilled is still available with the Indenting Department, and

Whereas, in compliance with the Judgement of the Hon'ble Tribunal the case of the petitioner was examined and placed in 186th Board meeting held on 26.08.2021 and 27.8.2021 for consideration wherein it was decided to release the recommendation in favour of the candidate, namely, Pawandeep Singh against the post available under OM category, and

Now, therefore, in deference to the order dated 27.05.2021 passed by the Hon'ble Tribunal in TA NO. 3789/2020 Titled Pawandeep Singh V/s State and Others, and as per the decision of the Board, the candidature of the candidate namely Pawandeep Singh S/o Paramjeet Singh R/o Bohri Talab Tilloo, Jammu is hereby recommended to the Indenting Department for the post of Assistant Extension Officer under OM category at Serial No. 07, Industries and Commerce Department, Divisional Cadre, Jammu, pursuant to Advertisement Notification No. 03 of 2012 dated 28.12.2012 under Item No.205 against the post which was earlier kept reserved in pursuance of Court case titled Goutam Gupta V/s State of JK & others, WP(C) No. 2006/2017. However, the terms and conditions shall be same as mentioned in Selection List forwarded to the Indenting Department vide Communication No. SSB/Secy/Sel/2017/13133-39 dated 13.12.2017.

BY ORDER


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

No. SSB/Legal/P-13/20/1328-34
Copy to the:-

Dated: 11.11.2021

1. Principal Secretary Industries and Commerce Department, Civil Secretariat Jammu for information and necessary action.
2. Commissioner/Secretary to Government, General Administration Department, Civil Secretariat, Jammu.
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. Mr. Pawandeep Singh S/o Paramjeet Singh R/o 272 Bohri, Talab Tilloo, Distt Jammu-180002
6. Selection Division/ Record file.
7. In-Charge Website.