

GOVERNMENT OF JAMMU AND KASHMIR
JAMMU AND KASHMIR SERVICES SELECTION BOARD
CPO Chowk, Panjtirthi, Jammu / Zamzam Complex, Rambagh, Srinagar
(www.jkssb.nic.in)

Order No: 76 - SSB of 2025
Dated: 11 .03.2025

Subject:OA No. 153/2025 titled TalibShabir Bhat vs Union Territory of Jammu & Kashmir &Ors. – Consideration order thereof.

Whereas, the applicant filed an Original Application (OA), bearing No. 153/2025 before the Hon'ble Central Administrative Tribunal (CAT), Srinagar Bench, and the Hon'ble CAT upon consideration of the matter on 28.02.2025, was pleased to pass an order, the operative portion whereof, is reproduced as under:

"In view of the limited prayer made by learned counsel for the applicant, the respondents are directed to consider the representation dated 12.02.2025 within two weeks from the date of receipt of a certified copy of this order, in accordance with the applicable rules governing reservation under the Handicapped Category (Low Vision). Until a decision is taken on the representation, the final selection list shall not be released."

Whereas, the Jammu & Kashmir Services Selection Board (JKSSB) vide advertisement Notification No. 02 of 2021 dated 26.03.2021 advertised 142 posts of Patwari, Revenue Department, for various District Cadres, with the following breakup:

| S.No. | Advt. No. | Name of the post | Item No. | District Cadre | OM | SC | ST | SC | ALC/IB | RBA | PS | EW | ST | TOTAL |
|--------------|------------|------------------|----------|----------------|----|----|----|----|--------|-----|----|----|----|-------|
| 1 | 02 of 2021 | Patwari | 455 | Pulwama | 5 | 1 | 1 | 0 | 1 | 2 | 0 | 1 | | 11 |
| 2 | 02 of 2021 | Patwari | 458 | Anantnag | 7 | 2 | 1 | 0 | 1 | 2 | 1 | 1 | | 15 |
| 3 | 02 of 2021 | Patwari | 464 | Kupwara | 18 | 3 | 4 | 1 | 1 | 4 | 2 | 3 | | 36 |
| 4 | 02 of 2021 | Patwari | 468 | Shopian | 7 | 2 | 2 | 1 | 1 | 2 | 1 | 1 | | 17 |
| 5 | 02 of 2021 | Patwari | 471 | Bandipora | 7 | 2 | 2 | 0 | 1 | 2 | 1 | 1 | | 16 |
| 6 | 02 of 2021 | Patwari | 475 | Baramulla | 23 | 4 | 5 | 2 | 2 | 5 | 2 | 4 | | 47 |
| Total | | | | | 67 | 14 | 15 | 4 | 7 | 17 | 7 | 11 | | 142 |



Whereas, the selection under Horizontal Reservation was made as per the applicable rules viz: Government Order No.163-JK (SWD) of 2021 dated 05.11.2021 read with Government Order No.59-JK (SWD) of 2021 dated 15.04.2021 in terms of which cycle of hundred points has been divided into 04 blocks of 25 points, therefore, for each block of 25, one post is to be kept earmarked for physically challenged persons; and

Whereas, in the instant case, posts have been advertised for district cadres, therefore the Horizontal Reservation cannot be calculated on the entire block as is perceived and understood by the applicant; and

Whereas, in the advertisement notification posts were advertised under six different District Cadres with distinct and separate Item No (s) viz: 455, 458, 464, 468, 471, 475, as such have to be calculated separately in terms of Jammu and Kashmir, Civil Services Decentralization Recruitment Rules, 2010 notified vide SRO 375 of 2010 dated 21.10.2010; and

Whereas, among the notified district cadres four districts are having posts less than 25 which may mean and indicate that candidates belonging to these districts are not eligible for consideration under Horizontal Reservation, therefore the said reservation has to be applied for Item No. 464 District Kupwara - **36 posts** and Item No. 475 District Baramulla - **47 posts** which are constituting an independent block; and

Whereas, both the selected candidates namely AfrozaBano and Ateeq Ahmed have been selected against the said Item No(s) on the basis of the Merit Cum Preference criteria having scored 70.25 and 68.75 points respectively and belonging to HCL category. The candidates being meritorious and falling in separate and distinct cadres, while as, the applicant TalibShabir Bhat has scored only 63.00 points, as such, being low in merit cannot be considered for selection; and

Whereas, in the scheme of Merit Cum Preference criteria, both merit as well as preference matters. Merit cannot be crucified in any case, more so, when the rules are clear and in the instant case applicant is low in merit. Horizontal Reservation is unlike Vertical Reservation wherein roster is maintained as a matter of rule while as no hard and fast rule is applicable in case of former, for the reason the horizontal reservation is interlocked; and

Whereas, for the sake of convenience Department as well as Board is drawing an analogy from the *modus operandi* adopted in a roster maintained for Vertical Reservations to serve the ends of justice, however, in a scenario where the number of vacancies is such as to cover only one block or two, discretion as to which category should be accommodated first vests in the Head of the Department, as is mentioned in the note appended with Government Order No. 163-JK(SWD) of 2021 dated 05.11.2021, as such, the concern of the applicant in his representation is not vindicated; and



Whereas, JKSSB being a creature of statute is under an obligation to carry out the selection process for the advertised posts in accordance with the rules/regulations occupying the field in a transparent and fair process.

Now therefore, in view of above, and with due deference to the order dated 28.02.2025 passed by the Hon'ble Central Administrative Tribunal, Srinagar Bench, the case of applicant along with his representation has been examined and upon consideration is disposed of being devoid of any merit, hence rejected.

By Order


Secretary
J&K Services Selection Board

No: JKSSB-LEG/52/2025-03 (E-7660898)/407-12

 Dated: 11.03.2025

Copy to the:

1. Secretary to the Government, Revenue Department, Civil Secretariat, Jammu/Srinagar.
2. Private Secretary to the Chairperson, JKSSB.
3. Mr. Rais U Din Ganaie, Ld. Counsel JKSSB, Hon'ble Central Administrative Tribunal, Srinagar Bench.
4. In-charge website, JKSSB.
5. Order File.
6. TalibShabir Bhat S/o Shabir Ahmad Bhar R/o HamlanaMohalla, KhwajaGilgirSopore, District Baramulla, 193201.