

**GOVERNMENT OF JAMMU AND KASHMIR,
J&K SERVICES SELECTION BOARD,
Hema Complex, Sector-3, Channi Himmat, Jammu.
(www.jkssb.nic.in)**

Office order No: **266** SSB of 2021
Date: - **19** .07.2021

Subject:- Contempt (SWP) No. 469/2018 in SWP No. 2677/2015 titled Charanjeet Singh V/s State of J&K and others.

WHEREAS, the J&K Services Selection Board vide Notification No. 01 of 2011 dated 31.01.2011 advertised various posts including the post of Cultural Assistant (Jr. Scale) (Information Department), District Cadre Poonch under Item No's: 768 & 789 with the following break up:-**OM=03, RBA=01, SC=01 Total=05; and**

WHEREAS, the prescribed qualification for the aforesaid post is:-

"Matric with experience in any one of the Musical Instruments violin, Sitar, Harmonium, Tabla, Drum, Flute. Preference will be given who are proficient in the field."; and

WHEREAS, the J&K Services Selection Board after completion of the selection process, issued the Selection List and forwarded the same to the Indenting Department, vide communication No. SSB/Sel/Secy/014/1558-63 dated 03.03.2014, wherein one candidate namely Gagandeep Singh was figuring at serial No. 03/OM and another candidate Charanjeet Singh was figuring at serial No. 01 in the Waiting List under Open Merit Category, but the recommendation of both the candidates was kept withheld subject to outcome of SWP No. 725/2013 titled Attinderpal Singh V/s State of J&K and others pending before the Hon'ble High Court in view of the interim direction dated 04.04.2013; and

WHEREAS, the said petitioner namely Attinder Pal Singh did not qualify the practical test required and the Hon'ble Court while considering the matter on 11.12.2014 modified the said order dated 04.04.2013 after perusing the objections as well as the application filed by the Board for vacation of stay; and

WHEREAS, the issue was placed before the Board in 117th meeting held on 18.02.2015 and the Board decided to release the withheld recommendation subject to outcome of the main writ petition SWP No. 725/2013 and accordingly the J&K Services Selection Board, vide Order No. 240-SSB of 2015 dated 15.05.2015, released the withheld recommendation in favour of Gagandeep Singh; and

WHEREAS, Charanjeet Singh approached the Hon'ble High Court through medium of SWP No. 2677/2015 titled Charanjeet Singh V/s State of J&K and others for seeking following reliefs :-

Writ of Certiorari quashing the order No. 240 SSB of 2015 dated 15.05.2015 issued by respondent no. 3

Writ of certiorari quashing the experience certificate issued by respondent no. 7, Gurdwara Parbandhak Committee, District Poonch vide its reference no. GSSP/1/12 dated 15.04.2012 being not registered by any registered or recognized institute/authority for the purpose of Sangeet as Ragi, which is

again not covered under the required fields of experience i.e Violin, Sitar, harmonium, Tabla, Sarangi, Rabab, drum and flute provided in clause two of the advertisement notice annexure P-7

Writ of certiorari quashing the final list for the posts of Cultural Assistant (Junior Scale) District cadre Poonch (information Department) published vide no. DIP/J/9823 dated 05.03.2014 published in Daily Excelsior local news paper issue of March 7, 2014. Writ of mandamus directing the respondents to consider, select and appoint the petitioner as Cultural Assistant (Junior Scale). Writ of mandamus directing the respondent no. 3 to supply the information to the petitioner sought vide applications dated 5.03.2104 and 01.06.2015 and take penal action against the respondent no. 8 for non compliance of the provisions of Right to Information Act and rules made there under in a time bound manner.

WHEREAS, meanwhile the Hon'ble High Court vide its order dated 26.11.2015 dismissed the Writ petition bearing SWP No. 725/2013 titled Attinderpal Singh Vs State of J&K and others for non-prosecution; and

WHEREAS, the Hon'ble High Court, Jammu vide its Order dated 09.03.2018 also disposed of the SWP No. 2677/2015 titled Charanjeet Singh V/s State of J&K and Others with the following directions:-

"4. The short grievance of the petitioner is that respondent No. 3 converted the demerit of all three private respondents into the merit and the merit of the petitioner converted into demerit and therefore, they got higher points and selected. To further emphasis the said plea, learned counsel for the petitioner states that respondent No. 7 is a President Gurudwara Parbandhak Committee, District Poonch has issued a certificate (Annexure p-12) dated 29.04.2012 in favour of respondent No. 4, which is invalid by law and therefore, it should have been ignored and consequently, the selection should be set aside and the petitioner should be considered.

5. the issue raised by the petitioner is disputed questions of fact as to whether the certificate issued by respondent No. 7 in favour of respondent No. 4 is valid or not and as to what effect of such a certificate which has to be decided by the competent authority/Services Selection Board.

6. In this view of the matter, this court is unable to give any relief at this juncture, except giving liberty to the petitioner to make a detailed representation to respondent no. 3, who shall consider the same expeditiously, preferably within period of six to eight weeks from the date of receipt of certified copy of this order alongwith the detailed representation.

7. If any action is proposed to be taken adverse to the private respondents, who have been selected, it is necessary that they are put to notice so as to avoid allegations of principles of natural justice.

8. The writ petition along with connected MP stands disposed of in the above terms."

WHEREAS, the issue was taken up with the Department of Information vide communication No. SSB/1615/Legal dated 20.11.2018 followed by communication No. SSB/Legal/2020/4962 dated 10.08.2020, with the request to intimate as to whether the

certificate issued in favour of Gagandeep Singh can be considered for selection for the post of Cultural Assistant and also for tendering opinion regarding the validity of the said certificate, so as to enable the Board to take the matter to its logical conclusion in due deference to the directions passed by the Hon'ble Court; and

WHEREAS, the Information Department vide its communication No. ID/WP13/2015 dated 19.11.2020 informed that the matter was taken up with the University of Jammu vide letter No. ID/WP/13/2015 dated 09.09.2020 and the Registrar, University of Jammu vide his letter No. PA/REG/20/1122-23 dated 16.10.2020 informed that the matter was referred to the Principal, Institute of Music and Fine Arts(IMFA) of the University for comments and on receipt of the same from the aforesaid institute forwarded the said opinion to the Board. The opinion is reproduced as under:-

"A Certificate given by a Government recognized Academy of Music is considered valid for any appointment in Government Sector. Since the Gurudwara Parbandhak committee is not a Government recognized academy or Institution therefore, they can only give a letter of appreciation and that cannot be considered valid for appointment in Government sector".

WHEREAS, in compliance with the directions dated 09.03.2018 passed by the Hon'ble High Court in SWP No. 2677/2015 titled Charanjeet Singh V/s State and Others and the clarification received from Indenting department, the matter was placed before the 182nd Board meeting held on 23rd April, 2021 and after threadbare discussions, it was decided to issue a notice to Gagandeep Singh calling upon him to explain as to why his recommendation be not withdrawn by the Board in view of clarification furnished by the Indenting Department for the post of Cultural Assistant (Jr. Scale) (Information Department), District Cadre Poonch under Item No. 768 & 789. Accordingly, vide No. SSB/Legal/637-41/21 dated 29.02.2021, show cause notice was issued to Gagandeep Singh calling upon him to explain as to why his recommendation for the aforesaid post should not be cancelled/withdrawn; and

WHEREAS, similarly a notice was separately issued to Charanjeet Singh, vide Communication No. SSB/Legal/631-35/2021 dated 29.04.2021, calling upon him to submit the requisite documents in support of his claim for being considered for the aforesaid post; and

WHEREAS, with reference to notice dated 29.04.2021, Mr. Charanjeet Singh submitted his documents however, no response has been received from Mr. Gagandeep Singh. Thereafter, vide communication No. SSB/Legal/698-706 dated 28.05.2021 another notice was issued to Gagandeep Singh for giving him another opportunity for responding to the notice; and


WHEREAS, instead of responding to the said notice, Gagandeep Singh Challenged the said show cause notice before the Hon'ble Central Administrative Tribunal Jammu through O.A. No. 882/2021 and the Hon'ble Tribunal while considering the matter on 16.06.2021 did not grant any interim relief to him as in the opinion of the Hon'ble Tribunal no prima facie was made out by him; and

WHEREAS, the matter was again placed before the 183rd Board meeting held on 24th June, 2021 and after thread bare discussions in the matter, it was decided to withdraw/cancel the recommendation of the candidate namely Gagandeep Singh, as he did

not possess the requisite experience certificate from the recognized Institute and also to get verified the documents furnished by the petitioner namely Charanjeet Singh from the concerned Institute.

Now, therefore, in due deference to the Judgment/Order dated 09.03.2018 passed in SWP No. 2677/2015 titled Charanjeet Singh V/s State of J&K and Others and as per the decision of the Board, the recommendation/selection of the candidate namely **MR. GAGANDEEP SINGH S/O SH. JEET SINGH, R/O MOHALLA RADIO STATION WARD NO. 02, DISTRICT POONCH** released vide Order No. 240-SSB of 2015 dated 15.05.2015 under endorsement No. SSB/A-4/13/918-20/15 dated 15.05.2015 for the post of Cultural Assistant (Jr. Scale), Information Department, District Cadre Poonch advertised vide Notification No. 01 of 2011 dated 31.01.2011 under Item No's: 768 & 789 is hereby withdrawn/cancelled ab-initio.

By Order.


16/07/21
Secretary,
J&K Services Selection Board

No. SSB/Legal/C-4/15/ 933-38

Dated: -19 .07.2021

Copy to the:-

1. Principal Secretary to Government, Information Department, Civil Secretariat, Jammu and requested to provide an opportunity of being heard to the candidate so appointed against such advertisement before passing/issuing any order on the subject.
2. Commissioner/Secretary to Government, General Administration Department, Civil Secretariat, Jammu.
3. Sh. Ayjaz Lone, Deputy Advocate General, J&K High Court, Jammu for information.
4. Private Secretary to Chairman for information to the Chairman.
- ✓ 5. I/C website
6. Mr. Gagandeep Singh S/o Sh. Jeet Singh, R/o Mohalla Radio Station Ward no. 02, District Poonch.