
(2000) 09 J&K CK 0009
In the Jammu And Kashmir High Court
Case No : S.W.P. No. 1388 of 1998

Gh.Mohd Ganai	Vs	APPELLANT
State and others		RESPONDENT

Date of Decision : 20-09-2000

Acts Referred:

Citation : (2001) 1 SCT 604

Hon'ble Judges : Syed Bashir-ud-Din, J

Bench : Single Bench

Advocate : J.A. Kawoosa, M.I. Qadri, S.A. Qadri, Advocates appearing for the Parties

Judgement

Syed BashirudDin, J.

Heard.

1. Petitioner appeared for the post of Driver offered for Selection in the Year 1997, under Jammu and Kashmir Service Selection Recruitment

Board. Petitioner submits that he was selected. His name figured on select panel, but he was not appointed in so far as formal appointment orders

were not issued in his favour. This was for the reason that the of character and other incidents (antecedents?) of the petitioner were required to be

verified. The order is still awaited. there is no adverse report or remarks against the petitioner and, therefore, the appointment order merits to be

issued.

2. Respondents in their reply have not denied that the petitioner applied for the post of Driver. His name appeared on the select list as one of the

selected candidates. However, in para 5, it is stated :

5. In reply to para 5, it is submitted that the Additional Director General of

Police, CID, Srinagar has addressed a letter vide No. CID/Pros/SWP

1388/98/1103233 dated 14.8.1999 to the Sr. AAG, Srinagar whereunder it has been reported that the petitioner has been reported adverse by

the field agencies of the CID such as CID, SBK and also by SP, Kupwara. The report is that petitioner was Pak Trained Militant affiliated with the

Muslim Janbaz Force (MJF). He was arrested in case FIR No. 19/93 of P/S CIK on 9.4.94. One rifle, one magazine and 120 rounds were

recovered from his possession. The petitioner subsequently was detained under PSA vide order No. DMK/62/94 dated 5.12.1994 and was

lodged in Sub Jail, Rangreth, Srinagar w.e.f. 2.4.1995 for 12 months. So from the said report, it is clear that the petitioner is not entitled to the

appointment.

In view of what is stated above, the respondents submit that the character biodata and adverse report about petitioner, for purposes of suitability

and fitment for the post of Driver in the department he could not be certified. Hence formal appointment order could not be issued. The averment

and the reasons given therein speak for themselves. Besides, merely because petitioner's name figures in the select list, no right of appointment is

created in favour of petitioner. On the basis of the selection per se, unless appointment orders are issued to a panelist, on the selection list, his

right(s) cannot be said to have been violated.

3. For the above reasons and on consideration, as no good ground is made out for admitting the petition to hearing, the Writ Petition is dismissed

in limine alongwith connected CMP(s).

4. Petition dismissed.