
(2023) 12 J&K CK 0009

In the Jammu And Kashmir High Court

Case No : Service Writ Petition No. 519 Of 2019

Madassar Ali

APPELLANT

Vs

State Of Jammu And Kashmir And Others

RESPONDENT

Date of Decision : 08-12-2023

Acts Referred:

Citation : (2023) 12 J&K CK 0009

Hon'ble Judges : Rajnesh Oswal, J

Bench : Single Bench

Advocate : Z. A. Qazi, Suneel Malhotra, Arshid Parvaiz Malik

Final Decision : Dismissed

Judgement

Rajnesh Oswal, J

1. Pursuant to the Notification bearing No. 01/2017 dated 17.01.2018, issued by the respondent No. 4, the petitioner participated in the selection process for engagement of Rehbar-e-Khel, Zone Darhal District Rajouri. The provisional select list was issued on 25.01.2019 for all the zones of District Rajouri, wherein the petitioner figured at Sr. No. 8 in the Darhal Zone. The petitioner claims to have submitted his original educational qualification documents in the office of the respondent No. 4 on 31.01.2019.

2. The case projected by the petitioner in the present writ petition is that despite the deposit of the original qualification documents, pursuant to the provisional select list issued by the respondents, no engagement order was issued in his favour by the respondents, rather the respondent No. 4 issued the final merit list, wherein the respondent No. 5, who was earlier figuring at Sr. No. 2 in the waiting list, was shown to have been selected in place of the petitioner. Thereafter, the petitioner made a representation to the respondent No. 1 on 15.03.2019 and served a legal notice as well upon respondent Nos. 1 to 3 on 16.03.2019, but no action was taken by the respondents pursuant to the representation as well as the legal notice of the petitioner. The petitioner, as

such, has approached this Court for directing the respondents to issue engagement order in favour of the petitioner in terms of the provisional select list issued by the Selection Committee vide notification dated 25.01.2019.

3. The respondent Nos. 1 to 4 have filed the response, stating therein that the petitioner participated in the selection process for engagement of Rehbar-e-Khel, Zone Darhal District Rajouri and made out a place in the provisional select list, wherein he figured at Sr. No. 8. It is further stated that after receipt & verification of original qualification certificates and clearance of the objections, the total academic points of the petitioner were found to be 41.85 instead of 43.85 as shown in the provisional select list erroneously. The petitioner was awarded 12.25 points in the viva-voce. The total points awarded to the petitioner were 54.10, whereas the final cut off in the merit list was 54.74 points.

4. The respondent No. 5 has also filed the objections, stating therein that she had secured 43.49 (academic points) and 11.25 points in the viva-voce. Thus, the total points awarded to the respondent No. 5 were 54.74. In nut-shell, the stand of the respondent No. 5 is that she has rightly been selected and engaged as Rehbar-e-Khel in the Zone Darhal, as she has secured more points than the petitioner.

5. Heard learned counsel for the parties and perused the record.

6. A perusal of the provisional select list dated 25.01.2019 for Zone Darhal, District Rajouri reveals that the petitioner was figuring at Sr. No. 8 and the respondent No. 5 was figuring at Sr. No. 2 in the waiting list. The petitioner was awarded 56.10 points, whereas the respondent No. 5 was awarded 54.74 points. It was specifically mentioned in the provisional select list dated 25.1.2019 that the errors and omissions are rectifiable under rules. The stand of the official respondents is that after the petitioner submitted the original qualification documents, it was found that due to computing error the petitioner was awarded 43.85 academic points, whereas he was entitled to 41.85 points only. Accordingly, the official respondents rectified the error and issued the final select list showing academic points of the petitioner as 41.85 and 12.25 as viva-voce points, total 54.10 points, whereas the cut-off was 54.74 points.

7. The learned counsel for the petitioner has not been able to establish before this Court that the respondents have wrongly deducted 02 points awarded earlier to the petitioner in the provisional select list. Since the petitioner has obtained less points than the respondent No. 5, as such, the petitioner has no case at all.

8. In view of the above, this present writ petition is found to be misconceived. The same is, accordingly, dismissed.

9. The record be returned to Mr. Sunil Malhotra.