

(2018) 08 J&K CK 0095

In the Jammu And Kashmir High Court

Case No : Service Writ Petition No. 901 Of 2015, Ia No. 1126 Of 2015

Raj Kumar @APPELLANT@Hash High Court of J&K and other

Date of Decision : 30-08-2018

Acts Referred:

Citation : (2018) 08 J&K CK 0095

Hon'ble Judges : Dhiraj Singh Thakur, J; Sindhu Sharma, J

Bench : Division Bench

Final Decision : Disposed Off

Judgement

1. The petitioner lays a claim for appointment against the post of Senior Scale Stenographer advertised by the High Court vide notification dated

03.01.2012. In the said advertisement 07 posts were advertised, out of which 01 post was meant to be filled from out of the Scheduled Caste (SC)

candidate. The petitioner belongs to the SC category. A wait list was prepared, in which the petitioner claims that he figures at Sr. No. 2 under the SC

Category, as against one Amit Kumar, who figured at Sr. No. 1 under the said category.

2. The appointment orders were issued by the High Court in favour of all the candidates, including the one Amit Kumar vide order dated 09.05.2014,

under SC Category. The selected candidates had to join within a period of 21 days from the date of issuance of the appointment order. However, the

selected candidate under SC category, namely, Amit Kumar, did not join and the said post remained unfilled till date.

3. Notwithstanding the various grounds of challenge in the writ petition, Mr. A. V. Gupta, learned senior counsel, appearing on behalf of the J&K

High Court fairly stated that in view of the fact that a candidate, namely, Amit Kumar, who figured at Sr. No. 1 in the SC Category had not joined,

there would be no difficulty in operating the waiting list.Â

4. In that view of the matter, with the consensus of the learned counsel for the parties, this petition is disposed of with a direction to the respondents

that they would proceed to issue an order of appointment in favour of the petitioner against the post of Senior Scale Stenographer, in case his name

figures in the waiting list.

5. Considering the fact that the petitioner had also been selected against the post of Junior Scale Stenographer in the High Court, pursuant to

notification dated 03.01.2012 and had been drawing his salary and other benefits from the same date, i.e., 09.05.2014, the effect of the order, which

the High Court may issue would be with effect from 31.05.2014, then the petitioner shall be entitled to all notional benefits and seniority with effect

from the said date.

6. Disposed of accordingly along with connected IA.