

(2008) 04 J&K CK 0041
In the Jammu And Kashmir High Court

Tanveer Ahmad and Others	Vs	APPELLANT
State of Jammu & Kashmir and Others		RESPONDENT

Date of Decision : 11-04-2008

Acts Referred:

Citation : (2008) 2 JKJ 244

Hon'ble Judges : Mansoor Ahmad Mir, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mansoor Ahmad Mir, J.—Petitioners have challenged the selection/appointment of private respondents as Constables in IRP 7th and 8th

Battalion which came to be made in terms of advertisement notice dated November 14,2000-Annexure-A. The grounds of challenge are given in para 6 of the writ petition.

2. The official respondents have specifically denied the said averments and have averred that the private respondents were higher in merit and

came to be selected and no ineligible candidate has been selected. Criteria was laid down and clarified in the advertisement notice itself. It is averred that no criteria was laid down for the selection.

3. Petitioner No. 4 passed away during the pendency of the writ petition and accordingly his name has been deleted from the array of petitioners vide order dated April 12,2007.

4. Learned Counsel for the parties present partly addressed the arguments on April 18,2007 and on the request of learned Counsel for the petitioners, respondents were directed to produce the selection record relating to the selection of respondent Nos. 6 to 8.

5. Learned Counsel for the respondents produced the record on April 08, 2008.
6. During the course of arguments, learned Counsel for the petitioners stated at me Bar that he is pressing the writ petition so far it relates to petitioner No. 1 and confined his challenge vis-a-vis selection of private respondent Nos. 6 to 8.
7. Record was perused in the open Court. Perusal of the selection record indicates that the privates respondent who are 12th pass and Matriculates have obtained higher marks not only in qualification but under the head ""Height"" also because height of the private respondents were on the higher side as compared to the petitioner.
8. In the given circumstances, only on this, the writ petition merits to be dismissed.
9. I have perused and scanned the entire record and I am of the considered view that private respondents have made the grade and had obtained higher marks as compared to the writ petitioners. Even some of the petitioners have not qualified at the initial stage and not to speak of making the grade.
10. The petitioners are also precluded from challenging the selection criteria only on the simple ground that they have participated, accepted it and failed to make the grade, cannot thereafter make a U-turn. It appears that some other candidates had filed writ petition being SWP No. 305/2002 and had challenged the selection of private respondents on similar grounds. The said writ petition came to be dismissed vide judgment dated December 03,2005 and the selection of private respondents came to be up-held.
11. Viewed thus, this writ petition is, accordingly, dismissed along CMPs. Interim stay stands vacated. Record be handed over to Mr. Salathia.