

(2004) 04 J&K CK 0012
In the Jammu And Kashmir High Court
Case No : S.W.P. No. 670 of 2004

Tawheed Ahmad Najar and others	Vs	APPELLANT
State of J&K and anothers		RESPONDENT

Date of Decision : 30-04-2004

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2004) LIC 2891 : (2004) 3 SCT 234 : (2005) 1 SLR 263

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

Bench : Single Bench

Advocate : Zahoor A. Shah, Advocates appearing for the Parties

Judgement

Syed BashirudDin, J.—Jammu and Kashmir Public Service Commission has issued notification No. 12 of PSC of 2003, dated 1.10.2003,

inviting applications for 165 available posts of Veterinary Assistant Surgeons in Animal Husbandry Department of the State Government under

different categories on terms and conditions prescribed in the Notification (AnnexureA). Subsequently, fresh notification (6 PSC of 3004 dated

24.3.2004 (AnnexureC) is issued by the PSC at Jammu, again inviting applications for filling up of the posts of Veterinary Assistant Surgeons in

Animal Husbandry Department on terms and conditions of the notification. This subsequent notification has taken note of the earlier notification

AnnexureA and provided that those who have applied under the said Notification need not apply afresh subject to eligibility and norms laid down

thereto. In this subsequent notification (AnnexureC) the last date for receipt of application form is 8.5.2004 for postal delivery. It is provided in the

notification that in case of candidates not possessing the qualification and eligibility in terms of the notification, their respective application shall be

rejected.

2. Another notice has been issued on 23.3.2004 at Jammu by Public Service Commission, giving the calendar and programme for interview for the posts to commence from 3.5.2004 (AnnexureB). Petitioners numbering in all eight, alleged that they do possess the qualification as Bachelors degree in Veterinary Science, however, they are presently undergoing Internship course which they are likely to complete by the end of two month period and it is only at the end of this period that they can seek consideration for appointment as Veterinary Assistant Surgeon and for this reason they are seeking quashment of the Advertisement Notice and a direction for extension of time to apply for the posts.

3. On perusal of the petition and the annexures and upon hearing the counsel, it is noticeable that the petitioners as per their own case have no eligibility to apply for the advertised posts of Veterinary Assistant Surgeon in Animal Husbandry Department of the Government. Once the applicants have no eligibility in terms of the advertisement notice on the cut off date to receive applications, they have no right to hold the whole process of selection to ransom only because they would acquire eligibility after the period of two months.

4. Presently no right of petitioner is violated by the issuance of Notification and carrying forward of the process of selection by the Public Service Commission. Respondents/Public Service Commission is not obligated to extend the time for receiving the applications beyond two months to accommodate the petitioners though extension of time for public interest or to widen the scope to tap better talent for selection and manning of the jobs is altogether a different matter, not pleaded or canvassed in this case. Petitioners who are pleading and championing their own personal interests cannot under the garb of increase in number of candidates to compete in the Selection halt duly commenced selection process. The selection process in question initiated by the Public Service Commission, need not be fiddled with. If the petitioner lack eligibility on the cut off date, fault does not lie with the Public Service Commission. The writ petition appears misconceived and not merited.

5. Dismissed in limine.