

HIGH COURT OF JAMMU AND KASHMIR AT
JAMMU.

SWP no. 3056/2001

Date of Decision: **17.04.2009**

Rakesh Kumar v. State and Ors.

Coram:

MR. JUSTICE J.P.SINGH, JUDGE.

Appearing Counsel:

For Petitioner(s) : Mr. Vikas Mangotra, Advocate.

For Respondent(s) :

i)	Whether to be reported in Press/Journal/Media:	Yes/No.
ii)	Whether to be reported in Digest/Journal :	Yes/No.

Petitioner had applied seeking consideration for selection against the post of Laboratory Assistant in District Cadre Rajouri advertised vide Notification dated 16.11.1998. The selection process was, however, not initiated leading to the issuance of another Notification No. 01 of 2000 dated 21.09.2001. Petitioner applied again along with an application seeking relaxation of the Upper Age Limit as he had by that time become over aged. This time too the selection process was not completed and yet another Notification was issued by the Services Selection Board on 30th March, 2001.

Aggrieved by the action of the respondents in not considering the petitioner for the advertised posts, he had

filed SWP No. 1098/2001 seeking direction against the respondents to consider relaxation of his age in terms of Government Order No. 1500-GAD of 2000 dated 21.12.2000.

Pursuant to the directions issued by this Court in petitioner's SWP no. 1098/2001, requiring the Board to consider petitioner's candidature in terms of Government Order No. 1500-GAD of 2000 dated 21.12.2000, the Jammu and Kashmir Services Selection Board, Srinagar, issued its Office Order No. 324-SSB of 2001 dated 22.08.2001 rejecting petitioner's plea for relaxation of age on the ground that he had not supplied any proof of possessing exceptional qualification warranting consideration for relaxation of age.

Aggrieved by the Jammu and Kashmir Services Selection Board, Srinagar's Office Order, the petitioner has filed this writ petition, saying that the Board had erred in considering relaxation of petitioner's age in terms of Government Order No. 1500-GAD of 2000 dated 21.12.2000, without having consultation with the State Government.

I have considered the submissions of learned counsel for the parties and gone through the contents of the Government Order governing the relaxation of age.

Relaxation of age in terms of Government Order No. 1500-GAD of 2000 dated 21.12.2000 is permissible only if the candidate is found by the selecting authority to possess exceptional qualification warranting relaxation of the maximum age prescribed for the post.

Petitioner has not placed any material on records demonstrating his possessing any such exceptional qualification on the basis whereof his case was required to be considered for relaxation of upper age limit prescribed for the post of Laboratory Assistant.

According to the case set up by the petitioner in the writ petition, he possesses qualification of matriculation and a Diploma issued by the Jammu and Kashmir State Medical Faculty, the necessary qualification which a candidate must possess before seeking consideration for selection against the post of Laboratory Assistant.

As no case of being exceptionally qualified had been projected by the petitioner, so the Board was not required to process his case for relaxation of age by the Government, for

consideration of the Government is contemplated only if the Board would have been satisfied that the petitioner was exceptionally qualified and the case for relaxation of his age required Government's consideration.

Petitioner's plea that the Jammu and Kashmir Services Selection Board had no authority to reject petitioner's case on its own, is found untenable because the plain language employed in Government Order 1500-GAD of 2000 dated 21.12.2000 does not contemplate consultation with the State Government in a case where the Selection Authority does not find the candidate to possess any such exceptional qualification, warranting consideration for relaxation of Upper Age Limit for the post.

For all what has been said above, I do not find any error in Jammu and Kashmir Services Selection Board's in rejecting petitioner's request for relaxation of age in terms of its Office Order No. 324-SSB of 2001 dated 22.08.2001.

Finding no merit in the Writ Petition, it is, accordingly, dismissed.

(J. P. Singh)
Judge

JAMMU:
17.04.2009
Anil Raina, Secy