

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

**SWP No. 1152/2010
CMP No. 1612/2010**

Date of Decision: 24.04.2012

Chand Rani Vs. Commissioner/Secretary to Govt. & ors.

Coram:

Mr. Justice J. P. Singh.

Appearing Counsel:

For Petitioner (s) : Mrs. Surinder Kour, Sr. Advocate with Mr. Rajiv Gorka, Advocate.

For Respondent (s) : Mr. Vinod Bakshi, Dy.A.G.
Mr. Rahil Raja, Advocate.
Mr. Sachin Sharma, Advocate.

- | | | | |
|-----|--|---|--------|
| i) | Whether approved for reporting
in Press/Media | : | Yes/No |
| ii) | Whether to be reported
in Digest/Journal | : | Yes/No |
-

JUDGMENT

Aggrieved by the Selection of Physical Education Teachers against the vacancies notified for Selection vide Government of Jammu and Kashmir Services Selection Board's Advertisement Notice Nos. 03 of 2006, 03 of 2007 and 06 of 2008, the petitioner has filed this Writ Petition questioning the selection of respondent Nos. 8 to 19, *inter alia*, urging that the selection of the respondents was unwarranted because their merit was lower than that of the petitioner. It is additionally submitted that the petitioner was discriminated against when she was denied similar treatment that the Board had given to respondent Nos.13 to 19 in considering them for

selection despite having crossed the Minimum Age prescribed for selection against the vacancies notified vide Notification No. 06 of 2008.

In its Response to the Writ Petition, it is stated by the Jammu and Kashmir Services Selection Board that the petitioner's merit of 33.80 points in Selection process against the vacancies notified vide Advertisement Notice No. 03 of 2006 being less than the merit of the last selected candidate who had obtained 49.55 points as well as the merit of the last selected candidate in selection for vacancies notified vide Advertisement Notice No. 03 of 2007, who had obtained 43.01 points, she was not entitled to selection. Although the petitioner's merit in selection against posts notified vide Advertisement Notice No. 06 of 2008 was higher than the last selected candidate but she was found disentitled to selection because of her ineligibility having crossed the minimum age prescribed as one of the eligibility conditions in the Notification.

Responding to the petitioner's plea that respondent Nos. 13 to 19 were selected despite being over aged, it is stated by the Board that selection of respondent Nos. 15, 20 & 21 was withdrawn when

they were found over aged and rest of the respondents were within the minimum age prescribed and their selection did not, therefore, suffer from any illegality.

I have considered the submissions of learned counsel for the parties.

The merit position of the petitioner being lower than that of the selected candidates and there being no over aged candidate in the Final Select List recommended by the Jammu and Kashmir Services Selection Board, which position is not controverted by the petitioner by placing any material on records to the contrary, the petitioner's Claim for Selection as Physical Education Teacher and her challenge to the selection of the respondents, is, therefore, without any merit.

This Writ Petition, therefore, lacks merit and is, accordingly dismissed.

(J. P. Singh)
Judge

JAMMU:
24.04.2012
Pawan Chopra