

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

SWP No. 1282/2010

CMP No. 1811/2010

Date of Decision: 24.04.2012

Shashi Prabha

Vs.

State of J&K & 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.

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|-----|--|---|---------------|
| i) | Whether approved for reporting
in Press/Media | : | Yes/No |
| ii) | Whether to be reported
in Digest/Journal | : | Yes/No |
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J U D G M E N T

The petitioner has filed this Writ Petition questioning the Selection of respondent Nos. 8 to 43 and seeking selection and appointment as Physical Education Teacher District Cadre Rajouri against the vacancies notified for selection vide Notification Nos. 03 of 2006, 03 of 2007 and 06 of 2008.

The petitioner's Claim to Selection is contested by the Board urging that she was ineligible for Selection against the posts notified vide Notification Nos. 3 of 2007 and 06 of 2008 having crossed the minimum age prescribed therefor and so far as her merit position in selection against the posts notified vide Notification No. 03 of 2006 was concerned, despite securing 19 out of 20 points in the interview, she was able to secure only 37.08 points whereas the last selected candidate had obtained 49.55 points. Dealing with her

challenge to the selection of respondent No. 43, it is stated that although the respondent's name had figured in the Provisional Select List but it was later deleted when he was found lower in merit.

The merit position as disclosed by the Board indicating the petitioner lower in merit to the last selected candidate against vacancies notified vide Advertisement Notice No. 03 of 2006, is not controverted by the petitioner.

I have heard learned counsel for the parties and considered their submissions.

The petitioner's plea for selection against vacancies notified vide Advertisement Notice Nos. 03 of 2007 and 06 of 2008, in relaxation of age, is found untenable in view of Government Order No.1500-GAD of 2000 dated 21.12.2000 in terms whereof relaxation in age for selection is permissible only if the candidate was **otherwise exceptionally qualified**. The petitioner does not fall in the category of otherwise exceptionally qualified nor has she set up any such case of her exceptional qualification in the Writ Petition.

The petitioner, therefore, being ineligible for Selection against vacancies notified vide Notification Nos. 03 of 2007 and 06 of 2008 and having obtained points lower than the last selected candidate against vacancies notified vide Notification No. 03 of 2006, is, therefore, not entitled to Selection as Physical Education Teacher for which she had

competed pursuant to the Notifications, referred to hereinabove.

For all what has been said above, the petitioner's Writ Petition is found without merit, hence dismissed.

(J. P. Singh)
Judge

JAMMU:
24.04.2012
Pawan Chopra