

## HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

SWP No. 1112/2008  
CMA No. 1637/2008

**Date of decision: 16.05.2012**

Lalita Kumari v. State of J&K and ors.

---

**CORAM:**

**MR. JUSTICE J.P. SINGH.**

---

***Appearing Counsel:***

For Petitioner(s) : Mr. Nirmal Kotwal, Advocate.

For Respondent(s) : Mr. Rahil Raja, Advocate.

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

### **JUDGMENT**

Applications were invited from the permanent residents of the State of Jammu and Kashmir by the Jammu and Kashmir Services Selection Board, Srinagar vide its Advertisement Notice No. 07 of 2008 for selection against various posts which included 20 posts of *Junior Grade Nurse*. The qualification prescribed for the post was 10+2 with Diploma in Nursing from recognized Institute.

The petitioner, a Matriculate with Diploma Course in General Nursing from the Jammu and Kashmir State Medical Faculty, seeks her consideration against the advertised post urging that the qualification prescribed for the post by the Services Selection Board being contrary to the Jammu and Kashmir Nursing (Subordinate) Service Recruitment Rules,

1971, should not operate as impediment for her consideration against the post of *Junior Grade Nurse*.

The stand taken by the Jammu and Kashmir Services Selection Board is that the Rules relied upon by the petitioner would govern only those posts which were on the cadre of the service and not the post of *Junior Grade Nurse* for which requisition was received by it from Medical College, Jammu.

I have heard learned counsel for the parties, considered their submissions and perused the Jammu and Kashmir Nursing (Subordinate) Service Recruitment Rules, 1971.

The post of *Junior Grade Nurse* is not indicated a post on the cadre of the Jammu and Kashmir Nursing (Subordinate) Service. The post on the cadre of the Nursing Subordinate Service, on the other hand, is indicated, as *Junior Nurse*.

The stand taken by the Board that the posts notified for selection were not on the cadre of the Jammu and Kashmir Nursing (Subordinate) Service, is not controverted by the petitioner by placing any material on records.

In this view of the matter, the petitioner, who does not possess the qualification of 10 +2, cannot therefore have any legitimate claim against the posts available in the Medical College, Jammu and which are sought to be filled up by Selection by the Board.

The petitioner's claim for consideration to selection against the advertised posts available in the Medical College,

Jammu and her plea that the qualification prescribed for selection against the post of *Junior Grade Nurse* was against the Rules, is, therefore, found without merit, for, the Rules governing the Jammu and Kashmir Nursing (Subordinate) Service are irrelevant to determine the eligibility of the candidates for selection against the advertised posts which are on the cadre of a service different than that of the Jammu and Kashmir Nursing (Subordinate) Service.

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

**( J. P. Singh )**  
**Judge**

Jammu:  
16.05.2012  
Pawan Chopra