

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

SWP No. 699/2010

Date of Decision: 24.04.2012

Satya Devi & anr. Vs. State of J&K & ors.

Coram:

Mr. Justice J. P. Singh.

Appearing Counsel:

For Petitioner (s) : Mr. M.I.Sherkhan, 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 |
-

J U D G M E N T

The petitioners have filed this Writ Petition seeking Selection as Physical Education Teacher District Cadre Rajouri against vacancies notified for selection vide Advertisement Notice No. 06 of 2008 questioning the Selection of respondent Nos. 4 & 5 urging that petitioner No.1 being a Graduate was entitled to preference in selection and the Board had acted illegally in omitting to prefer her over the respondents.

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

Both the petitioners are stated figuring at Serial Nos. 17 and 19 respectively of the Wait List published by the Board.

Petitioner No.1's Claim for preference on the plea that she was entitled thereto being a Graduate is found misconceived, in that, the preference prescribed in the Notification relied upon by the petitioner is not available to

simple Graduates, because in terms of the Notification only those Graduates who were having outstanding Sports Career or with basic course in Skiing and Mountaineering, were entitled thereto. The petitioner is not stated to possess outstanding Sports Career or basic course in Skiing and Mountaineering. Her challenge to the selection of the respondents as Physical Education Teachers, based on preference is, therefore, misconceived.

In so far as petitioner No.2 is concerned, she being lower in merit to the selected candidates cannot question their selection.

The petitioners' Writ Petition is, therefore, found without merit, hence dismissed.

(J. P. Singh)
Judge

JAMMU:
24.04.2012
Pawan Chopra