

**HIGH COURT OF JAMMU AND KASHMIR**  
**SRINAGAR**

**Case No:** SWP 2172/2015

**Dated :** 25<sup>th</sup> MAY 2016

**KHURSHID AHMAD DAR AND ORS VS J&K PUBLIC SERVICE COMMISSION & ORS**

**ORDER SHEET**

**CORAM:**

**HON'BLE** MR. JUSTICE MUZAFFAR HUSSAIN ATTAR – JUDGE.

**HON'BLE** MR. JUSTICE ALI MOHAMMAD MAGREY – JUDGE

*Whether approved for reporting :* **yes**

**FOR THE PETITIONER/s :** MR. ZAFAR A. SHAH – Sr. ADV & MIAN TUFAIL

**FOR THE RESPONDENT/s:** MR. AZHAR – UL - AMIN

**MUZAFFAR HUSSAIN ATTAR (oral)**

1/ Court order dated 20<sup>th</sup> May, 2016 is taken note of :

*“After arguing for a while, learned Advocate General appeared and submitted that the Commission be given some more time to have a re-look on the entire issue and take a policy decision whether to scrap the examination or not.*

*Prayer allowed.*

*List on Wednesday i.e. 25<sup>th</sup> May, 2016 at 10.00 AM.”*

2/ Mr. Azhar-ul-Amin, learned counsel appearing for the respondent – Public Service Commission (PSC), in view of aforesaid Court order, submitted today that the PSC will undertake a fresh exercise of making selection to the posts of Munsiffs (Judicial Magistrates), strictly in accordance with the mandate contained in Jammu & Kashmir Civil Services (Judicial) Recruitment Rules, 1967 (for short Rules of 1967). Mr. Azhar, in his fairness, submitted that the mode and method adopted, in conducting the screening test, is not in consonance with the Rules of 1967. He, however, added that

this course was adopted in view of the approval granted to the PSC by the authorities on administrative side.

**3/** Respondent – PSC, is dutybound to follow the mandate contained in Jammu & Kashmir Civil Services (Judicial) Recruitment Rules, 1967. Any other mode adopted by it, including that of conducting of Screening Test, is not in consonance with the Rules of 1967 and would, thus, fall foul of articles 14 & 16 of the Constitution of India.

**4/** For the above stated reasons, this writ petition is **disposed** of along with connected IAs and it is provided that the respondent – Public Service Commission will proceed in the matter of recruitment to the posts of Munsiffs (Judicial Magistrates) in accordance with the mandate contained in Jammu & Kashmir Civil Services (Judicial) Recruitment Rules, 1967. The Screening Test and allied proceedings, conducted till date, will accordingly, stand annulled. The advertisement notification and the applications filed in response thereto are, however, maintained and same shall become basis for proceeding ahead in making selection in accordance with the Rules of 1967.

**5/** Registry to call for the particulars of identical writ petitions from Jammu Wing of the Court. Those petitions shall be deemed to have been disposed of in accordance with this order. Copy of this

order shall be placed on the record of those writ petitions. List of all the connected petitions shall be enclosed with this order.

**6/** We hope and trust that recruitment process will be concluded by the Public Service Commission at the earliest.

(ALI MOHAMMAD MAGREY) (MUZAFFAR HUSSAIN ATTAR)  
JUDGE JUDGE

Tariq MOTA  
SRINAGAR.  
25-05-2016