

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

LPA No. 74/2020
CM No. 2208/2020
CM No. 2209/2020
(Through Video Calling)

Zahoor Ahmad Bhat and others ...Appellant(s)

Through:- Appellant No. 1 in person.

v/s

J&K Public Service Commission and others ...Respondent(s)

Through:-

**Coram: HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

ORDER

The appellant, who appeared in person, inter-alia submitted that as per the criteria fixed by the Commission minimum marks required in English paper were 40%, whereas in other subjects for open merit candidates the minimum marks required were 30% and for reserved category candidates the minimum percentage was fixed 25% (page no. 246). Still, the candidates who had secured marks less than 30% and were in open merit category were shortlisted and called for interview (page no. 354). Most of them were related with the members of the J&K Public Service Commission or senior officers in the then State of J&K.

He further submitted that one of the candidate namely Sarib Sehran s/o Yehdullah Dar, whose parents were senior level officers serving in the then State at that time, was appointed one year after the initial

appointments were made showing that on re-checking of answer sheets, he got 135 marks in one of the papers though initially he got only 35 marks. It is despite the fact that initially when number of candidates had applied for re-checking, the commission had responded by saying that there was no change in the marks secured by any of the candidates and further this candidate had not even applied for rechecking within the time permitted.

Notice to respondent Nos. 1 and 2 only at this stage, for 17.07.2020.

Mr. Azhar-Ul-Amin, Advocate accepts notice on behalf of respondent No. 1 and Mr. Sajjad Ashraf, Government Advocate accepts notice on behalf of respondent No. 2, on the asking of the Court.

On the next date of hearing, J&K Public Service Commission is directed to produce entire record of the selection in question in Court in a sealed cover. Relevant record pertaining to the minimum marks required in written exam and the marks secured by the candidates as noticed above, who were called for interview though did not secure minimum marks and the answer sheets of Sarib Sehran s/o Yehdullah Dar in the paper where on rechecking marks were increased, shall be clearly flagged.

In case of failure, the Secretary of the Commission shall appear in court through VC. Learned Counsel appearing for the Commission to coordinate.

(RAJNESH OWSAL)
JUDGE

(RAJESH BINDAL)
JUDGE

Jammu
10.07.2020
SUNIL-I