



Sr. No

2025:JKLHC-JMU:3074-DB

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 2671/2025

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| 1. UT of Jammu & Kashmir through
Commissioner/Secretary to Govt.
Health and Medical Education Department,
Jammu/Srinagar. |Applicant(s)/Petitioner(s) |
| 2. Secretary, J&K Service Selection Board,
Jammu/Srinagar. | |

Through :- Mr. Raman Sharma, AAG

v/s

- | | |
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| 1. Shabir Hussain, S/o Shabir Hussain,
R/o Village Ujhan, Tehsil Darhal,
District Rajouri. |Respondent(s) |
| 2. Naveed Ahmed, S/o Mohd. Junaid,
R/o Fatehpur, Tehsil and District Rajouri. | |

Through :-

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER (ORAL)

26.09.2025

Sanjeev Kumar-J

1. Impugned in this petition filed by the Union Territory of Jammu and Kashmir and J&K Service Selection Board (“SSB”), is an order and judgment dated 05.05.2025, passed by the Central Administrative Tribunal, Jammu Bench, Jammu (“**the Tribunal**”), in T.A. No. 1225/2020, titled “Shabir Hussain v. State of J&K and others”, whereby the Tribunal has, while allowing the T.A. of the respondents, directed the petitioners herein to provide one more opportunity to respondent No. 1 for document verification against the post of ST, reserved under the directions of the Court.



2. Briefly stated, the facts leading to the filing of this petition, as can be called out from the pleadings of the parties, are that vide advertisement notification No. 01 of 2016 dated 01.06.2016, the SSB invited applications *inter alia* for filling up of two posts of Dental Assistant/ Junior Dental Technician, in District Cadre Rajouri (Item No. 117). The last date for submission of application forms was 21.06.2016. The respondent No. 1, along with respondent No. 2, applied against the aforesaid two posts and participated in the selection process. The selection process conducted by the SSB culminated into issuance of provisional select list, which was published by the SSB vide notification dated 16.12.2017. The respondent No. 2 was shown as provisionally selected at Serial No. 1, whereas, respondent No. 1 figured in the waiting list.
3. In terms of notification dated 16.12.2017 (*supra*), the provisionally selected candidates were called upon for counseling and document verification, which was held in the Central Office of SSB on 26.12.2017. Obviously, respondent No. 1 was not a provisionally selected candidate and, therefore, did not participate, however, respondent No. 2, who was at Serial No. 1 of the provisional select list, participated and produced his original eligibility certificates for verification. It seems that before the SSB could take a decision with regard to the eligibility or otherwise of the respondent No. 2, the respondent No. 1 approached this Court through the medium of SWP No. 50/2018, seeking *inter alia* a Writ of Certiorari to quash and set aside the selection of respondent No. 2 as Dental Assistant/ Junior Dental Technician under ST category. The respondent No. 1 also prayed for a direction to the petitioners herein to appoint him against the post, being



second eligible and meritorious candidate under ST category in the District Rajouri.

4. With the enactment of J&K Reorganisation Act, 2019, and constitution of the Tribunal in the Union Territory of J&K, the writ petition was transferred to the Tribunal and registered there as T.A. No. 1225/2020.
5. The writ petition/T.A. filed by respondent No. 1 was contested by the petitioner by filing their written statement. In the written statement, the stand taken by the petitioners was that the respondent No. 2, Naveed Ahmed, was though initially selected and figured at Serial No. 1 of the provisional select list, yet on verification of his documents, it was found that he had acquired his diploma qualification after the cut-off date of 21.06.2016, and for that reason, the provisional selection of respondent No. 2 was not confirmed/finalized.
6. It was also pleaded by the petitioners before the Tribunal that since the respondent No. 1 had failed to participate in the counseling and document verification on the date fixed for the purpose, as such, he had forfeited his right of consideration against the post that had become vacant due to the declaration of respondent No. 2 as 'ineligible' for the post.
7. It also deserves a mention that during the pendency of the writ petition before the Single Bench of this Court, and in compliance with interim directions passed therein, the representation filed by the respondent No. 1 was considered by the SSB and the same was rejected vide order No. 456-SSB of 2018 dated 19.10.2018. The claim made by respondent No. 1 against the post of ST was rejected on the grounds which have been pleaded by the petitioners in their written statement filed before the Tribunal.



8. The Tribunal, having considered the entire issue in the light of rival case set up by the parties, came to the conclusion that the respondent No. 1 had been wronged by not placing him in the select list due to wrongful insertion of the respondent No. 2 in the select list despite being ineligible. The Tribunal, thus, allowed the T.A. and issued the directions which we have referred to hereinabove.
9. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment impugned, passed by the Tribunal, is legally and factually correct and, therefore, do not call for any interference by us in these proceedings.
10. Indisputably, the SSB had notified for selection only two posts of Dental Assistant/ Junior Dental Technician under ST category in District Cadre Rajouri, to which respondent Nos. 1 and 2 had responded. The process of selection culminated into issuance of selection list, in which respondent No. 2 figured at Serial No. 1, followed by one Amjad Hussain, who was placed at Serial No. 2. The respondent No. 1, however, was placed in the waiting list as the only candidate under the said category.
11. The selection of the respondent No. 2 and Amjad Hussain against the two notified vacancies was provisional and subject to verification of their documents. When the documents of the selected candidates were verified, it was found that the respondent No. 2 had acquired his diploma qualification after the cut-off date and, therefore, was not eligible to participate in the selection process. The provisional selection of Naveed Ahmed was, thus, not finalized. Once the respondent No. 2 was out of selection, as a necessary consequence, the respondent No. 1, who was the only candidate in the waiting list, ought to have been selected and called by



the SSB for document verification. The plea of the petitioner-SSB that since the respondent No. 1 did not participate in the counseling/document verification in compliance with the notification dated 16.12.2017, as such, he had lost the right of consideration against the post that became available due to the ouster of respondent No. 2 from the zone of selection, is without any substance and deserves notice only for rejection.

12. From plain reading of notification dated 16.12.2017, it is abundantly clear that only the candidates, who were provisionally selected, were called to attend the counseling/verification of documents, which was conducted by the SSB in its Central Office on 26.12.2017. It is only after the respondent No. 2 came to be ousted from the zone of selection because of his ineligibility that an occasion for the verification of the documents of respondent No. 1 arose. However, no opportunity was given to him to produce the documents for verification. It is in these circumstances and the background, the Tribunal has rightly directed the SSB to call the respondent No. 1 herein for document verification, so that he could be considered against the post that has remained vacant due to ouster of respondent No. 2 from the provisional select list because of his ineligibility. The plea of the petitioners that this post was utilized in connection with some other litigation is also devoid of any merit and cannot be accepted. The litigation, to which reference has been made in the written statement of the SSB, was not related to the advertisement notification in question.
13. Viewed from any angle, we do not find any justification to deny respondent No. 1 his right of appointment against the post of Dental Assistant/ Junior Dental Technician under ST category in District Cadre Rajouri, against the post that has remained unfilled because of the ouster of respondent No. 2



from the provisional select list due to his ineligibility. As a matter of fact, had the SSB taken a decision with regard to the eligibility of respondent No. 2 with requisite promptitude, the respondent No. 1 would have figured in the select list at Serial No. 2. It would also be pertinent to mention here that after the respondent No. 2 was declared ineligible and thrown out of the zone of selection, it was incumbent upon the SSB to notify the selection of respondent No. 1 by placing him at Serial No. 2. This too did not happen in this case.

14. For the foregoing reasons, we are not inclined to give benefit to the petitioners for the wrongs committed by them during the selection process. The petition is devoid of merit and is accordingly **dismissed**.

JAMMU
26.09.2025
Vishal Khajuria

