



JAMMU AND KASHMIR PUBLIC SERVICE COMMISSION

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Subject: Consideration order in compliance to Hon'ble CAT order dated 16.09.2020 passed in Komal Samyal Vs State of J&K.

**Order
Dated 08.02.2022**

Whereas, the Health and Medical Education Department vide Communication No. HME/HRM/87/2015 dated 12.10.2017 referred 50 posts (OM-28; RBA-10; SC-04; ST-05; ALC-02; SLC-01) of Medical Officer (Ayurvedic) to J&K Public Service Commission for selection; **and**

Whereas, the said posts were notified by JKPSA vide Notification No. 11-PSC (DR-P) of 2017 dated 15.11.2017 and in response 1007 application forms were received for which a written test was conducted on 30.09.2018 wherein 849 candidates appeared; **and**

Whereas, the result of the written test was declared by the Commission vide Notification No. PSC/Exam/2018/15 dated 17.11.2018 wherein 179 candidates were declared to have qualified the written test; **and**

Whereas, the interview of the qualified candidates was conducted w.e.f. 11.12.2018 to 13.12.2018, and subsequently select list was issued vide Notification dated 16.01.2019 read with 12.04.2019, wherein all posts except 2 posts under ST category got filled up; **and**


Whereas, vide letters dated 04.02.2019, 10.05.2019 and 23.04.2019 the selected candidates were recommended to the indenting department for appointment i.e. OM-27 + 1; RBA-10; SC-04; ST-01+02; ALC-02 and SLC-01. Two posts under ST category were later on re-notified under first special drive; **and**

Whereas, the applicant, namely Komal Samyal belonging to SC category secured 56 marks whileas the last selected candidate in SC category has secured only 56.75 marks, as such she was not selected; **and**

Whereas, the cut of merit under OM category was 61.13, however two selected candidates did not join after their appointment, and on the request of the Indenting Department, waiting list was operated and two candidates namely, Sonam Verma (61 marks) and Mohit Bakshi (60.88 marks) who were next in order of merit under OM Category were recommended for appointment; **and**

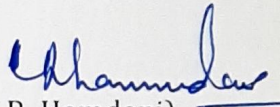
Whereas, the petitioner filed a writ petition bearing WP(C) No. 3153/2019 before the Hon'ble High Court Jammu which was lateron transferred to Central Administrative Tribunal and registered as TA No. 1084/2020. The petitioner claims that, since one of the subsequently recommended candidate under OM category has lower merit (60.88) than the first selected candidate under SC category (61.13), therefore, SC category candidate should have been switched over to OM category to replace the OM category candidate so as to pave way for the petitioner under SC category; **and**

Whereas, the case of the petitioner was disposed of by the Hon'ble Tribunal vide judgment dated 16.09.2020 as under:

 **"TA is disposed of with a direction to the respondents to consider and dispose of the representation dated 18.07.2019 filed by the applicant addressed to the Secretary, J&K PSC, Solina, Srinagar by passing a reasoned and speaking order within the period of one month from the date of receipt of certified copy of this order with intimation to the applicant"**

Whereas, a candidate once selected/ recommended with the approval of the Commission, under a particular category, his status cannot be altered thereafter, by making any change from one category to another and that too when selection for the posts in each referred category has already been made.

Now, therefore, in compliance to Hon'ble CAT order dated 16.09.2020 passed in TA No. 1084/2020 titled Komal Samyal Vs UT of J&K & Ors, the claim of the petitioner/ applicant is hereby considered and rejected for being devoid of any merit.


(I.R. Hamdani)
Under Secretary
J&K Public Service Commission

No. PSC/Lit/MO-Ayu/147/2019/P-1

Dated 08.02.2022

Copy to:

1. Mr. F. A. Natnoo, Standing Counsel for information and further N/A.
2. Private Secretary to Hon'ble Chairman Public Service Commission for the Information of the Hon'ble Chairman.
3. PA to Secretary Public Service Commission for information of the Secretary.
4. Petitioner for information.