



JAMMU AND KASHMIR PUBLIC SERVICE COMMISSION
Resham Ghar Colony, Bakshi Nagar, Jammu

Sub:- Rejection of Candidature of the Candidates for the Post of Assistant Professor in Kashmiri in Compliance to Court Order dated:12-01-2016.

Order No: 43-PSC (DR-P) of 2016
Dated: 26-02-2016

Whereas, the Higher Education Department vide requisition No. Edu-Coll/Appt./Asstt.Prof/2013 dated 28.01.2013 and No. Edu-Coll/Appt./Asstt.Prof./2013 dated 16.05.2013 referred 847 and 442 posts respectively of Assistant Professors in different disciplines for selection of suitable candidates in terms of recruitment rules notified vide SRO-423 of 2008 dated 31.12.2008 read with Government Order No. 252-HE of 2012 dated 30.05.2012; and

whereas, the said requisition was followed by Government Order No. 254-HE of 2013 dated 21.05.2013 issued under endorsement No. Edu-Coll/Coord/PSC/AP/2010 dated 21.05.2013. The said order provided for the deletion of the qualification of M.Phil from the minimum requisite qualification prescribed for the post under the provisions of Jammu and Kashmir Education (Gazetted) College Service Recruitment Rules, 2008. This modification was shown to be necessitated in view of UGC regulations on minimum qualification for appointment of Lecturers (Assistant Professors) / Physical Training Instructors/Librarian) in colleges; and

whereas, on the basis of above aforementioned requisition and clarification received from the Higher Education Department, the Commission notified 1289 posts of Assistant Professors in various disciplines, vide Notification No. 09-SC(DR-P) of 2013 dated 23.05.2013; and

whereas, the prescribed age in terms of Notification No. 09-SC(DR-P) of 2013 dated 23.05.2013 was as under;

Age as on 1st January 2013	
Minimum	=18years
Maximum	=37 years
Physically handicapped Candidates	=39 years
Candidates belonging to RBA/Sc/ST/ALC/SLC	=40 years
Candidates in Govt. Service	=40 years
Candidates working as 10+2 Lecturer	=45 years
Ex Service man	=48 years; and

whereas, after issuance of the notification the Commission received a writ petition bearing SWP No.1288/2013, CMA No. 18880/2013 titled Kamal Kishore Verma and another v/s State and others on various grounds but the main ground being the deletion of the M. Phil qualification; and

Whereas, the objections were filed and the writ petition bearing No. 1288/2013 & SWP No. 1400/2013 (clubbed writ petitions) was disposed off by the Hon'ble Court on 03.10.2013 with the following order: -

“For the reasons mentioned above, the impugned orders bearing No. 254-HE of 2013 dated 21.05.2013 and the note introduced in the advertisement notification No. 09-PSC(DR-P) of 2013 dated 23.05.2013 are quashed. The petitioners are held entitled to consideration for appointment on the basis of the M.Phil degree possessed by them in accordance with the J&K Education (G) College Service Recruitment Rules, 2008.

Disposed off accordingly”; and

Whereas, the matter was taken up with the Higher Education Department vide letter dated 22.01.2014 for action taken pursuant to the Court orders dated 03.10.2013 followed by another letter dated 01.04.2014; and

whereas, the Higher Education Department in light of opinion of Law Department withdraw the 1289 posts of Assistant Professors vide Higher Education letter No. HE-SWP No. 1288/2013/115 dated 16.05.2014 in reference No: - GDC -17/CM/2014 dated 16.05.2014 of GAD, and

whereas, the Higher Education Department amended the earlier Recruitment Rules vide SRO 124 dated 21st April, 2014, and

whereas, the Higher Education Department vide their requisition No. HE-Coll/Coord/Apptt/A.P/2014 dated 19.05.2014 re-referred 1651 posts of Assistant Professors in Government Degree Colleges in different disciplines to J&K PSC for selection of suitable candidates with the condition that the process of selection may be initiated in terms of SRO 124 of 2014 dated 21.04.2014 and the selection of candidates may be considered according to the policy approved by the Cabinet and notified under Government Order No. 252-HE of 2012 dated 30.05.2012;and

whereas, in the recruitment rules issued vide above mentioned SRO, nothing was mentioned about the age of the in -service candidates in Schedule-II as was mentioned in Schedule -II of Recruitment Rules of 2008, and;

Whereas, the age limit of the candidates as per the Govt. Order No: - 971-GAD of 2005, Dated: -5-8-2005 was fix as under.

Age as on 1st January 2014	
Minimum	=18years
Maximum	=37 years
Physically handicapped Candidates	=39 years
Candidates belonging to RBA/SC/ST/ALC/SLC	=40 years
In-service candidates	=40 years
Ex Service man	=48 years, and

whereas, 1651 No. of posts of Assistant Professor which were re-referred to PSC for selection of suitable candidates in accordance with the amended rules were

advertised vide Notification No. 12-PSC of 2014 dated 29/05/2014 with the condition that the candidates who have already applied need not apply provided they are eligible in terms of SRO: - 124 dated 21/04/2014; and

whereas, in terms of the Government Order No: -586-GAD of 2014 Dated: -3-06-2014, the upper age limit was fixed as under

Age as on 1st January 2014

Maximum (Open Merit) =40 years

Physically handicapped Candidates =42 years

Candidates belonging to RBA/SC/ST/ALC/SLC =43 years, and

whereas, there was no change in the upper age limit of the in-service candidates; and.

whereas, vide notice dated: -11-12-2015, the candidature of the following candidates was rejected on the grounds of being over aged among other candidates.

1. **Shoukat Mehmood Reshi** Over aged by 8 months
2. **Quansar Sultan** Over aged by 2 years
3. **Mohammad Rafiq Khan** Over aged by 11 months; and

whereas, aggrieved by the notice, these candidates filed a writ petition 04 /2016 and MP 01/2016 titled Shoukat Mehmood Reshi and others V/S Public Service Commission, J&K and others which was disposed off by the Hon'ble High Court with the following directions vide order dated: -12-01-2016;

“Respondent Commission shall consider representations claimed to have been made by petitioners and on consideration they shall give petitioners benefit of notification No: -09-PSC (DR-P) of 2013 Dated: -23-05-2013 with special reference to age, if they are found entitled to such benefit on the strength of having been working as 10+2 lecturers. Consideration shall be accorded and decision taken within two weeks from the date of receipt of copy of this order and in case respondents come to the conclusion that petitioner are within age, they shall be allowed to appear in interview on their own risk and responsibility without any rights flowing in their favour out of their mere participation in selection process.”

Now, therefore in compliance with the orders of the Hon'ble Court, the Commission has considered the representation of the petitioners and has observed that the representation is devoid of merit and on the basis of the facts and circumstances explained above, the candidature of the petitioners is hereby rejected.

Sd/-
(Shakeel-ul- Rehman)
Secretary/Controller Examinations
Dated:26.02.2016

No;-PSC/Lit/05/2016