



**JAMMU AND KASHMIR PUBLIC SERVICE COMMISSION**  
**Solina, Srinagar - 190009**

Subject: Selection for the post of Deputy Medical Superintendent - Representation of Dr. Rakesh Kumar Sharma in compliance to court order dated 25.02.2018.

Ref.: Commission's decision dated 06.09.2018.

**ORDER NO. 154 - PSC (DR-S) of 2018**

**Dated: 13.09.2018**

Whereas, 02 posts of Deputy Medical Superintendent (GMC, Jammu) under Open Merit were advertised vide Notification No.19-PSC(DR-P) of 2016 dated 19.12.2016; and

Whereas, only two candidates were found provisionally eligible and called for interview held on 17.05.2018; and

Whereas, only one candidate namely Ms. Rehana Khurshid who applied for the post was selected against the said notification viz. 19-PSC(DR-P) of 2016 dated 19.12.2016; and

Whereas, another candidate Dr. Rakesh Kumar Sharma aggrieved by the decision of the Commission approached the court of law; and

Whereas, the Hon'ble High Court in SWP No.1032/2018, MP No.01/2018 passed the following order on 25.05.2018:-

*"....meanwhile, subject to objections from other side and till next date of hearing, the post of Deputy Medical Superintendent (OM Category) Government Medical College Hospital, Jammu advertised in pursuance to notification No.19-PSC (DR-P) of 2016 dated 19.12.2016 shall not be re-advertised, however, the petitioner is directed to approach respondent No.3 by filing a representation for consideration of his appointment to the said post, within a week's time, who shall take a decision thereon by or before the next date of hearing."*

Whereas, Dr. Rakesh Kumar Sharma in compliance with orders of Hon'ble Court represented to the J&K PSC with the request that he had applied for the post vide Notification No.19-PSC (DR-P) of 2016 dated 19.12.2016, whileas, the amendment revisiting the bench mark from 50% to 55% for OM category in the Rule 51 of J&K PSC (Business & Procedure) Rules, 1980 was made on 01.06.2017 i.e. after five months from the cut off date of submission of applications for the post and therefore, criteria of 55% as bench mark is not applicable in his case; and


Whereas, his representation was discussed in the Commission on 14.08.2018 on the point as to whether the eligibility criteria of Dr. Rakesh Kumar Sharma is to be taken on the basis of Notification dated 07.06.2017 i.e. Notification of scheme of selection, the mention of which has been made in the advertisement notice dated 19.12.2016 or from the date of notification dated 17.11.2017 regarding revision of bench mark from 50% to 55% (Open Category); and

Whereas, the matter was further deliberated in the Commission on 06.09.2018 in the backdrop of the discussion held on 14.08.2018 , and it was decided that revision in the bench mark from 50% to 55% does not form component of selection of scheme/process about 100 points to which the notification inviting application was subject to and therefore change in bench mark is prospective; and

Whereas, in view of the Commission's decision, the bench mark of 50% has been taken as eligibility criteria for selection proceeding 01.06.2017 but based on Notification whose cut-off date is either before or continuing with 01.06.2017.

Whereas, Dr. Rakesh Kumar Sharma has secured 52.12 under Open Merit, thus falls within the selection zone.

Now, in view of above, the name of Dr. Rakesh Kumar Sharma shall and shall always be deemed to have been included ab-initio in the Select List of Deputy Medical Superintendent (GMC, Jammu) notified vide Notification No.22-PSC(DR-S) of 2018 dated 19.05.2018 at S.No. 2 right below the name of Ms. Rehana Khurshid.

  
(Sunita Anand) KAS  
Secretary,

J&K Public Service Commission