



**JAMMU & KASHMIR PUBLIC SERVICE COMMISSION
JAMMU / SRINAGAR**

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May-Oct: 0194-2312629 (f) 2312631-(S)
Nov-April: 0191-2566528 (f) 2566530-(J)

Subject:- Consideration of application of Mr. Bilal Ahmad Seh for the post of Assistant Professor (Fine Arts), in compliance to Hon'ble High Court order dated 12.08.2022, passed in WP(C) No. 1641/2022.

**ORDER
Dated 01.12.2022**

1. Whereas, the Higher Education Department, vide letter No. HED-GAZ/85/2022-04 dated 07.06.2022, referred 14 posts (OM=07, RBA=05 & SC=02 of Professor & HOD /Associate Professor/Assistant Professor(s), in School of Architecture in Higher Education Department, which were notified vide Notification No. 14-PSC(DR-P) of 2022 dated 07.06.2022; and,
2. Whereas, the last date for submission of online application forms for the above said posts was 07.07.2022; and,
3. Whereas, Mr. Bilal Ahmad Seh, submitted a representation seeking acceptance of his application form for the post of Assistant Professor (Fine Arts) on the strength of Hon'ble High Court order dated 12.08.2022, passed in WP(C) No. 1641/2022 (attached with the representation), wherein the Hon'ble High Court has directed as under:-

"In the meantime, subject to objections and till next date of hearing before the Bench, respondent No. 1-Public Service Commission shall entertain the application form of the petitioner against the post of Assistant Professor, Fine Arts advertised vide Advertisement Notice No. 14-PSC(DR-P)/2022 dated 07.06.2022 and allow the petitioner to participate in the process of selection at his own risk and responsibility, in case, there is no other legal

impediment. The result of the selection process of the petitioner shall not be declared without permission of this Court”

4. Whereas, the petitioner has not submitted his application form online prior to the last date i.e 07.07.2022, allegedly due to the reason that the server did not accept the application as the applicant did not possess the requisite percentage of marks in the prescribed qualification, he has only 53.43 % marks in his Master's Degree, while as the prescribed qualification is **good academic record with at least 55% marks** at the Masters Degree level. It is claimed by the applicant that as per the UGC regulations, differently abled candidates are entitled to 5% relaxation in the prescribed percentage, as such he is eligible to apply for the post; and
5. Whereas, the Commission conducts the selection as per the indent of the referral department which has not prescribed any such relaxation at all. Moreover, the scrutiny of the documents of the applicant, in compliance to the directions of the Hon'ble High Court, have revealed that the applicant also does not possess a valid disability certificate. The medical certificate dated 24.10.2001 submitted by the petitioner has been issued by an ophthalmologist and not by a Medical Board. Even in the said certificate, the petitioner is shown to have only 30% loss of vision, whileas in terms of the Disability Act, the degree of disability has to be at least 40% in order for a candidate to be considered as person with benchmark disability; and,
6. Whereas, the direction of the Hon'ble High Court is to allow the petitioner to participate in the process of selection at his own risk and responsibility, in case, **there is no legal impediment**, however, in view of the fact that the recruitment rules of the Department do not prescribe any 5% relaxation and more importantly, **lack of requisite degree of disability**, the applicant is not eligible to participate in the selection process.

Now therefore, in view of above, and in compliance to Hon'ble High Court order dated 12.08.2022 passed in WP(C) No. 1641/2022, the

claim of the petitioner namely, Mr. Bilal Ahmad Seh, has been considered and found devoid of any merit and is, therefore, rejected.

Sd/-
Secretary

J&K Public Service Commission

No: PSC/DR/Rep/A.P-Fine Arts/2022

Dated: 01.12.2022

Copy to the:-

1. Mr. Shah Aamir, Standing Counsel J&K PSC at Srinagar for information and n.a.
2. In-Charge website for uploading the notice on website for information of the applicant.



(I.R.Hamdan)

Deputy Secretary
J&K Public Service Commission