

**JAMMU AND KASHMIR PUBLIC SERVICE COMMISSION**

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Subject:- O.A. No. 969/2023 titled Sahil Saleem Rather & Ors V/s UT & Ors-
Disposal of representation thereof.

Order No:- 14(E) -PSC of 2024**Dated:- 24-03-2024**

Whereas, the General Administration Department vide Communication No. GAD-SERVOKAS/339/2022 dated 12.04.2023 referred Seventy Five(75) vacancies, with the following Service/Category wise breakup, to the J&K Public Service Commission for being filled up in accordance with the Jammu and Kashmir Combined Competitive Examination Rules, 2018:

Sr. No	Service	OM	RBA	SC	ST	ALC /IB	EWS	PSP	OSC	Total
1.	Junior Scale of J&K Administrative Service	13	2	2	2	1	3	1	1	25
2.	J&K Accounts (G) Service	13	3	2	2	1	2	1	1	25
3.	J&K Police (G) Service	12	3	2	3	1	2	1	1	25
Total		38	8	6	7	3	7	3	3	75

Note: 01 post each in J&K Administrative Service and J&K Accounts Gazetted Services is earmarked for Differently Abled (PHC) persons as horizontal reservation.

Whereas, accordingly, the Commission invited online applications from the eligible candidates, vide advertisement Notification No. **12-PSC(DR-P) of 2023 dated: 13.04.2023.**

Whereas, the J&K Public Service Commission conducted the J&K Combined Competitive (Preliminary) Examination 2023, on 15.10.2023; and

Whereas, the Provisional official key(s) of General Studies-I paper and General Studies-II paper were notified and uploaded on the official website of the Commission for information of the candidates vide Notification No.PSC/Exam/S/2023/65 dated 15.10.2023, inter-alia notifying that, if any candidate feels that the key(s) to any of the question(s) are wrong/incorrect, he/she may prefer a representation/objection on the prescribed proforma to the Controller of Examinations within a period of three days from the date of the said notification along with documentary proof/evidence and a fee of Rs.500/- per question; and

Whereas, in response to the said notification, number of objections/representations were received by the Commission against the Provisional Answer Key(s); and

Whereas, all the objections/representations were referred to the Committee(s) of Experts as envisaged in Rule 10 (d) of the J&K Public Service Commission (Conduct of Examination) Rules, 2022, as amended from time to time, for independent Expert opinion; and

Whereas, the independent team of Experts recommended changes in the Provisional Official Answer Key(s) in respect of the said papers; and

Whereas, the recommendations of experts were adopted/incorporated and Final Answer Key was notified vide notification dated 27.10.2023; and

Whereas, based on the Final Answer Key, the result of the J&K Combined Competitive(Preliminary)Examination-2023 was notified vide notification No.PSC/Exam(S)/2023/68 dated 27.10.2023; and

Whereas, after the declaration of the said result, a number of representations were received in the Commission from the candidates regarding answer of certain questions in the Final Answer key; and

Whereas, the Commission decided to have these representations examined again by an independent set of Experts and referred the same to a panel of Experts for adjudication; and

Whereas, all the representations were carefully examined by the team of Experts appointed by the Commission and based on the recommendations of the experts, it was decided by the Commission to revise the Final Answer Key; and

Whereas, the changes recommended by the team of Experts were adopted and the Revised Answer Key in respect of General Studies-I paper was notified vide Notification No.PSC/Exam (S)/2023/89 dated 18.11.2023; and

Whereas, on the basis of Revised Answer Key notified vide notification No. PSC/Exam (S)/2023/89 dated 18.11.2023, the result of Jammu & Kashmir Combined Competitive (Preliminary) Examination-2023 was declared vide notification No. PSC/Exam/S/2023/90 dated 18.11.2023, in which 2266 candidates were declared to have qualified for Combined Competitive (Mains)-2023.

Whereas, some candidates filed writ petition before the Hon'ble Central Administrative Tribunal in the case titled Sahil Saleem Rather & Ors V/s UT & Ors. The Hon'ble Central Administrative Tribunal in its decision dated 15.03.2023, passed the directions re-produced as under:-

“ The respondents will reconsider the representations filed by the applicants along with the supporting material as submitted by them afresh and take a decision in the matter positively by 20.03.2024 and also convey the decision of the same to the applicants. This direction is passed in the peculiar facts and circumstances of the instant case and same shall not form a precedent for others to approach the court as it is too late to interfere in view of the notifications having already been issued by the PSC by virtue of which the main examination is to be conducted from 26.03.2024. It is further provided that in case the PSC feels the need, it shall be free to avail the advice of any other source. This order shall, however, be subject to outcome of the main O.A. 969/2023.”

Whereas, fresh representation from the applicants/Petitioners in the case titled Sahil Saleem Rather & Ors V/s UT & Ors. was received on 18.03.2024, in which Answer to question Nos. 74, 76, 82, 85 & 97 (G.S-Paper-I, Series A) was challenged and material in support of their claim was appended; and,

Whereas, the questions objected to and material appended was examined and it was found that the questions as well as appended material had been received earlier also, and were referred to the Experts; and,

Whereas, on the basis of report from the Experts received earlier, the claim of the applicants was found devoid of any merit and was rejected; and,

Whereas, the Hon'ble Central Administrative Tribunal in its directions dated 20.03.2023 in case referred to herein-above passed the directions re-produced as under:-

"In the meantime, it is provided that the respondents, the Public Service Commission, will again reconsider the representations filed by the applicants along with supporting material which reportedly has been already submitted before the Public Service Commission, who will, as already directed, take a fresh decision and pass a reasoned and speaking order and at the same time inform this Court as to the steps taken or to be taken for reconsidering the representations".

Whereas, the applicants/petitioners in the case titled Sahil Saleem Rather & Ors V/s UT & Ors on 22.03.2024 in their representation again challenged the Answer to these questions i.e. question Nos. 74, 76, 82, 85 & 97 (G.S-Paper-I, Series A) and appended the material in support of their claim; and

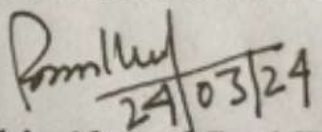
Whereas, the clarification with regard to Answer of these questions has already been received by the Commission from the Experts and the opinion of Panel of Experts is absolute and final and binding as they were the one who have expertise on the subject; and,

Whereas, the law is clear on the point that such matters have to be left to the opinion expressed by the team of experts, who are experts of academic matters. Besides the law is also clear that the question of interference in the peculiar facts and circumstances of the case does not arise when, especially all the questions and answers have been looked into by an expert panel, constituted on the subject; and,

Whereas, it is not possible to go appointing expert panel after panel to go into the correctness of the decision of the expert panel, as there won't be any end to this exercise; and,

Whereas, in view of the supra directions from the Hon'ble Tribunal and the settled position of law on the matter, the Commission once again after the examination of the matter has found that these questions were already referred to the committee of experts, who have rendered their opinion (which being Final) and same was incorporated in the Final Answer Key, on the base of which the result of J&K Combined Competitive Preliminary Examination-2023 was declared vide Notification No.PSC/Exam/S/2023/90 dated 18.11.2023.

In view of the above, the representations of the candidates are found devoid of any merit and accordingly, rejected.


(Bashir Ahmad Dar)JKAS
Secretary,

J&K Public Service Commission.
Dated:- 24-03-2024

No:- PSC/Exam/C.C.(P)Exam/15/2023

Copy to the:-

1. Sr. Standing Counsel/Standing Counsel, J&K Public Service Commission for information.