

JAMMU AND KASHMIR PUBLIC SERVICE COMMISSION

of 4

SOLINA, RAMBAGH, SRINAGAR - 190001

website: <http://jkpsc.nic.in>
email: jkpscsecretary@gmail.com

Jammu: 0191-2566528 (f) 2566530
Srinagar: 0194-2312629 (f) 2312631

Subject:- Consideration order in compliance to Hon'ble Central Administrative Tribunal, Jammu, Bench order dated 29.07.2024, passed in OA No. 780/2024 titled Amir Sohail & Ors Vs UT of J&K and Ors

Order No. 117-PSC of 2024.

Dated: 05-08-2024

Whereas, the J&K Planning, Development & Monitoring Department vide Letter No PD-HRM/38/2022 dated 10.01.2023 & PDMD-HRM/38/2022 dated 21.02.2024 referred **09 & 89** posts respectively of Assistant Director (E&S) to the J&K Public Service Commission, as per the following category wise break-up:

| OM | RBA | SC | ST | EWS | PSP | ALC/IB | SoC | Total |
|----|-----|----|----|-----|-----|--------|-----|-------|
| 05 | 01 | 01 | 01 | 01 | - | - | - | 09 |
| 44 | 08 | 07 | 09 | 09 | 04 | 04 | 04 | 89 |

Whereas, the Commission, vide Notification No. 13-PSC(DR-P) of 2023, dated 13.04.2023, and 01- PSC(DR-P) of 2024 dated 05.03.2024, advertised these posts, to be filled up in-terms of J&K Economics & Statistics (Gazetted) Service Recruitment Rules, 1992, notified vide SRO 207 of 1992 dated 04.09.1992 read with J&K Statistical-Cum-Evaluation (Competitive Examination) Regulations 1976, issued vide Government Order No. 299 of 1976 dated 04.12.1976 and Govt. Order No. 53-PD of 2013 dated 30.05.2013; and,

Whereas, 5907 number of application forms have been received against the supra mentioned advertisement notifications and the written examination is scheduled w.e.f 06.08.2024; and,

Whereas, the Hon'ble Central Administrative Tribunal, Jammu Bench vide its order dated 29.07.2024, passed in the above titled OA, has directed as under:

4-Having considered the above submissions made by both the parties, this Original Application is disposed of with the direction to the Respondent No. 2 to consider this Original Application of the applicants as their representation for conducting the Selection process/examination for the Posts of Assistant Director (E&S) strictly in accordance with the Rules and Regulations of J&K Public Service Commission (Conduct of Examinations) Rules, 2005, dated 24.03.2005, specifically Rule 11 of the scheme by conducting the examination in three stages namely Prelims, Mains and Interview.

5-The said exercise shall be completed within a period of four weeks from the date of receipt of certified copy of this order

Whereas, the advertisement notification dated 13.04.2023, and 05.03.2024, at para-09 clearly provides the scheme of examination as under:

“The scheme of Examination and detailed syllabus is contained in the Government Order No 299 of 1976 dated 04.12.1976, appended with the Notification”

Whereas, the candidates including the applicants who have applied against the supra Notification(s) have in principle accepted the terms and conditions of the advertisement Notification, and the law is settled on this point that once the candidate has applied and accepted the terms and conditions of the advertisement notification without any demur, he cannot be allowed to challenge it at the latter stage. The Hon'ble High Court of Jammu and Kashmir and Ladakh *in Dr Sheetal Sherma & Ors Vs state of J&K & Ors, 2018 SCC J&K 707 has held as under.*

In view of the legal position very aptly summed up in the aforesaid decision, I am of the considered opinion that the petitioners by their sheer conduct of participating in the selection process despite being well aware of the terms and conditions of the Advertisement Notification and also the selection criteria to be adopted by the respondent No. 2, cannot be permitted to challenge the selection process and its outcome

Whereas, the Government Order No 299 of 1976 dated 04.12.1976, [i.e Jammu and Kashmir Statistical-Cum-Evaluation Service (Competitive Examination) Regulations, 1976], appended with the Notification and as mentioned in para-09 of the advertisement notification itself provides the scheme of examination for the post in question as under:

Regulation 5-
Examination:

The examination shall consist of two parts:-

- | | | |
|-----|-----------|-----------|
| i. | Written | 600 Marks |
| ii. | Viva Voce | 100 Marks |

Regulation-6
Written Examination:

- 1) The written Examination shall include compulsory and optional papers.
- 2) Every Candidate shall have to take all the compulsory papers in addition to two optional papers.

- 3) Syllabus for the written examination, maximum marks and time allowed for each paper and standard of examination shall be shown in Appendix-I to these regulations.
- 4) Every candidate shall specify the optional papers in his application form in which he wants to appear. The option once made shall be final.
- 5) Unless otherwise required by the examiner all question papers shall be answered in English.
- 6) Credit will be given for effective and orderly, effective and exact expression combined with the economy of words in all papers of the examination
- 7) If a candidate's handwriting is not easily legible deduction will be made on this account from the total marks awarded to him.

Regulation-7
Viva Voce Test

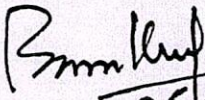
- 1) Candidates, who obtain such minimum qualifying marks in the written examination, as may be fixed by the Commission in their discretion, shall be called for the Viva Voce.
- 2) The Object of the Viva Voce test shall be to assess the candidate's intelligence, perspicacity and aptitude. Questions regarding matters of general interest may also be asked.

Whereas, the PSC follows/adopts the scheme of Examination of the indenting Department, in cases where the indenting Department provides the scheme of examination; and,

Whereas, for the post of Assistant Director (E&S), the scheme of examination is two-tier as provided in the Jammu and Kashmir Statistical-Cum-Evaluation Service (Competitive Examination) Regulations, 1976 ; and,

Whereas, it's apt to mention that J&K Public Service Commission (Conduct of Examination) Rules, 2005 stand repealed, currently J&K Public Service Commission (Conduct of Examination) Rules, 2022 are in vogue.

Now, therefore, the claim of the applicants having been considered in light of the supra Rule position and the Order dated 29.07.2024, passed by the Hon'ble Central Administrative Tribunal, Jammu, in OA No. 780/2024 titled *Amir Sohail and Ors Vs UT and Ors* has been found devoid of any merit and is hence rejected.


05/08/24

Bashir Ahmad Dar (JKAS),
Secretary,
J&K Public Service Commission.

Copy to:

1. Mr. F A Natnoo, Standing Counsel, J&K PSC, Jammu.
2. Private Secretary to Chairman, J&K Public Service Commission for the Information of the Hon'ble Chairman.
3. In-charge website, with the request to upload the order on the official website
4. Main file- 7537016