

JAMMU AND KASHMIR PUBLIC SERVICE COMMISSION

SOLINA, RAMBAGH, SRINAGAR - 190001

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Subject:- Consideration order in compliance to Hon'ble Central Administrative Tribunal, Srinagar, Bench order dated 09.09.2024, passed in OA No. 581/2024 titled Kulbir Singh Jat & Ors Vs UT of J&K and Ors

Order No. 156-PSC of 2024.

Dated: 14-10-2024

Whereas, on the requisition of the Health and Medical Education Department, the J&K Public Service Commission, among other posts, advertised 11 posts of Deputy Medical Superintendent vide Notification No 31-PSC (DR-P) of 2022 dated 30.12.2022, 28-PSC (DR-P) of 2023 dated 08.06.2023 and 40-PSC (DR-P) of 2023 dated 07.11.2023, as per the following breakup; and

| Notification No | Name of Medical college | Number of Posts |
|---|-------------------------------------|---------------------------------------|
| 31-PSC (DR-P) of 2022 dated 30.12.2022, | Government Medical College Srinagar | OM=02 ST=01 Total =03 |
| 31-PSC (DR-P) of 2022 dated 30.12.2022, | Government Medical College Jammu | RBA=01 SC=01 Total=02 |
| 28-PSC (DR-P) of 2023 dated 08.06.2023 | Government Medical College Srinagar | OM=02 RBA=01 SC=01 Total =04 |
| 40-PSC (DR-P) of 2023 dated 07.11.2023 | One each in GMC Srinagar and Jammu | OM=02 Total =02 |

Whereas, the required qualification for the post of Deputy Medical Superintendent as per the method of recruitment is as under:

| Discipline | Qualification | Experience |
|-------------------------------|--|--|
| Deputy Medical superintendent | Post Graduate qualification in Surgery, Gynecology or Medicine and or other Clinical Subject/Hospital Administration | Three year working experience of running a Hospital after Post Graduation. |

Whereas, the applicant namely, Kulbir Singh Jat, applied for the post of Deputy Medical Superintendent, notified vide Notification No 28-PSC (DR-P) of 2023 dated 08.06.2023 and 40-PSC (DR-P) of 2023 dated 07.11.2023; and,

Whereas, the applicant was not shortlisted in Notification No 40-PSC (DR-P) of 2023 dated 07.11.2023. However, he was shortlisted against Notification No 28-PSC (DR-P) of 2023 dated 08.06.2023 under Roll No 8600002; and,

Whereas upon scrutiny of the documents, it was found that the applicant does not possess the experience requisite for the post; and,

Whereas; the candidature of the applicant along-with others was accordingly, rejected vide notice dated 28.06.2024, for want of requisite experience; and,

Whereas, in the said rejection Notice applicant was given 10 days time to represent before the appellate Authority of the Commission; and,

Whereas, in response to the supra rejection notice the documents submitted by the applicant were placed before the Appellate Authority of the Commission; and,

Whereas, the Appellate Authority after considering the claim of the applicant took the following decision:

“ Considered the claim of the applicant and it has been found that the experience of the candidate as Casualty Medical Officer or as registrar in the Department of Surgery in the Government Medical College Jammu is not in consonance with the required experience for the post. Hence the claim of the applicant is not based on merits and is hereby rejected as been rightly rejected by the Commission vide notice dated 28.06.2024”

Whereas, the applicant filed the OA No 425/2024 titled Dr. Kulbir Singh Jat , challenging the rejection Notice dated 28.06.2024, and while hearing the case, the Hon'ble Tribunal was pleased to pass the following directions:

“The petition is accordingly disposed of with the direction upon the respondents to dispose of the appeal filed by the petitioner in accordance with its merits and rules and while disposing of the appeal, the petitioner is also at liberty to submit the copy of the O.A. before the respondents- Public Service Commission. It is expected that the PSC will dispose of the appeal expeditiously preferably within a period of three weeks' from the date of a copy of the judgment is served upon the respondents”.

Whereas, the appeal of the applicant which was placed before the Appellate Authority was decided on 03.09.2024, and the decision of the

Appellate Authority was communicated to the applicant vide this Commission letter dated 06.09.2024; and,

Whereas, the applicant challenged the rejection of his candidature through OA No 573/2024 and 581/2024 titled Dr Kulbir Singh Jat Vs UT & Ors. The Hon'ble Administrative Tribunal Srinagar Bench while hearing the OA was pleased to pass the following direction vide its order dated 09.09.2024

“The respondents are directed to rehear the appeal of the petitioner after providing the petitioner an opportunity of hearing. It is also ordered that the Public Service Commission will place all the attested records pertaining to the communication impugned dated 06.09.2024 on or before the next date of hearing in a sealed cover and for ten days or till the applicant is reheard and orders are passed, whichever is earlier, the respondents are restrained from proceeding further with the selection in pursuance to the notification dated 04.09.2024.”

Whereas, in compliance to the supra directions of the Hon'ble Tribunal the applicant, vide letter dated 18.09.2024, was advised to appear before the Commission at Srinagar on 24.09.2024; and,

Whereas, the applicant appeared before the Commission on the scheduled date but could not produce the requisite experience certificate; and,

Whereas, the law is well settled that State as an employer has the right to prescribe qualifications as conditions of eligibility (Ankita Thakur Vs H P Staff selection commission Civil appeal No 7602/2023)

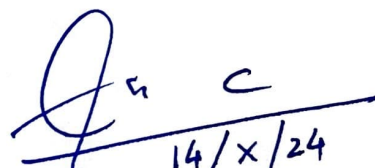
Whereas, in Maharashtra Public Service Commission Through Its Secretary Vs. Sandeep Shriram Warade And Others AIR 2019 SUPREME COURT 2019, 2154 Hon'ble Supreme Court has categorically and convincingly held that, “If the language of the advertisement and the rules are clear, the Court cannot sit in judgment over the same; and,

Whereas, in the case in hand, the conditions for eligibility for the post of Deputy Medical Superintendent are clear that candidate should possess three years experience of running a hospital after post graduation; and,

Whereas, the Commission being a Constitutional body with the mandate of making recruitments for the gazetted posts of the UT of Jammu

and Kashmir, strictly follows the indent and the recruitment rules of the concerned Administrative department for recruitments to be made, and there is no room for entertaining the experience certificate produced by the applicant.

Now, therefore, the claim of the applicant having been considered in light of the recruitment rules and the Order dated 09.09.2024, passed by the Hon'ble Central Administrative Tribunal, Srinagar, in OA No. 581/2024 titled *Dr Kulbir Singh Jat Vs UT and Ors* has been found devoid of any merit and is hence rejected.



14/X/24
Anil Kaul (JKAS),

Secretary,

J&K Public Service Commission.

No. JKPSC-LEG/257/2024-05

Dated: 14.10.2024

Copy to:

1. Mr. Shah Aamir, Advocate, Ld. 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