



GOVERNMENT OF JAMMU AND KASHMIR  
SCHOOL EDUCATION DEPARTMENT,  
CIVIL SECRETARIAT JAMMU/SRINAGAR

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Subject: O.A No. 218/2022 Titled Mizba Hassan v/s UT of J&K  
& Ors.

Government Order No: 2134-Jk(Edu) of 2022

Dated: 31-10-2022

Whereas, the applicant Mizba Hassan filed O.A No. 218/2022 titled Mizba Hassan Vs UT of J&K and others before the Hon'ble Central Administrative Tribunal at Srinagar and the applicant has sought for the following relief:-

- i. Allow this Original Application and direct the Respondent No. 1 to 3 to forthwith operate the waiting list by offering appointment to the Applicant who is already recommended by the Respondent Service Selection Board in the waiting list while forwarding the select list for the post of Junior Librarian who stand in merit at S.No. 1 (wait list) under open merit category for the said post for District Cadre Kulgam.

Whereas, the Hon'ble Central Administrative Tribunal, Srinagar disposed of the O.A No. 218/2022 on 04.04.2022 with the following order:-

*"...In view of the limited prayer made by the learned counsel for the applicant, O.A is disposed off at the admission stage with direction to the respondents/competent authority to consider and dispose off the pending representation of the applicant dated 16.07.2020 (Annexure No. III to the O.A) alongwith averments made in the present O.A, keeping in view the affidavit dated 22.03.2021 filed by the J&K Services Selection Board and take further necessary action as per rules, by passing a Reasoned and Speaking order, within a span of 4 weeks from the date of receipt of a certified copy of this order and decision so taken shall be communicated to the applicants forthwith"*

Whereas, in compliance of the above order dated 04.04.2022 passed by the Hon'ble Central Administrative Tribunal, Srinagar has been examined and found that the J&K Services Selection Board vide

08/2022

No.SSB/Secy/Sel/2018/5788-95 dated 06.06.2018 forwarded the selection list alongwith wait list for the post of Junior Librarian of School Education Department Item No. 106 Notification No. 02 of 2017 dated 18.10.2017. In the said selection list, the applicant (Mizba Hassan) is figured in the wait list at S.No. 01 under OM category (wait list);

Whereas, in terms of Rule 14 sub rule 5 of Jammu and Kashmir Civil Services Decentralization and Recruitment Rules, 2010, the aforementioned selection/wait list was valid till 05.06.2019. However, in the said selection list, the recommendations of two selected candidates at S.No. 02 & 03 under OM category (namely Sheikh Hujataul Islam and Bilal Ahmad Mir) have been kept withheld by the J&K Services Selection Board;

Whereas, the J&K Services Selection Board vide Order No. 267-SSB of 2019 dated 21.10.2019 cancelled/withdrawn the selection (withheld recommendation) of these two candidates (namely Sheikh Hujataul Islam and Bilal Ahmad Mir) figured at S.No. 02 & 03 under OM category for the post of Junior Librarian of School Education Department Item No. 106 Notification No. 02 of 2017 dated 18.10.2017 and submitted that indenting department can operate the waiting list, if required. The Services Selection Board has cancelled/ withdrawn the selection of these two candidates i.e after expiring the validity of main select/wait list.

Whereas Mizba Hassan (applicant) D/o Gh. Hassan was figuring in the wait list at Sr. No. 1/OM category District Cadre Kulgam for the post of Junior Librarian of School Education Department Item No. 106 Notification No. 02 of 2017 dated 18.10.2017;

Whereas, in terms of Rule 14 sub rule 5 of Jammu and Kashmir Civil Services Decentralization and Recruitment Rules, 2010, "The select list shall remain in force for a period of one year from the date the select list is sent to the requisitioning authority". The said clause of the Jammu and Kashmir Civil Services Decentralization and Recruitment Rules, 2010 has been amended vide SRO-60 dated 02.02.2018, which is reproduced as under:-

(i). In rule 14, after sub-rule the following shall be added as a proviso:-

*"provided that the validity period of one year of the select list of those selectees whose recommendation/selection is kept withheld by the recruiting agency shall be reckoned from the date of release of their recommendation"*

(ii). after sub-rule (7) the following shall be added as a proviso:-

*"provided that the validity period of one year of the waiting list of those selectees whose recommendation/selection is kept withheld by the recruiting agency shall be reckoned from the date of release of their recommendation"*

Whereas, as per the aforementioned rule position, the select list/wait list issued on 06.06.2018 have already been outlived its validity period of one year on 05.06.2019. Though SRO-60 provides for reckoning the validity period of one year from the date the release of withheld



recommendation by J&K Services Selection Board but the said SRO is silent with respect to the cases where selections of candidates (withheld recommendations) are cancelled by J&K Services Selection Board after validity period is over and recommended for operation of wait list against such slots;

Whereas, accordingly, the matter was taken up with the General Administration Department seeking opinion in the matter who in turn vide U.O No. GAD/Mtg/RB-IV/02/2020 dated 05.02.2020 informed the department as under:-

*"The department is informed that SRO-60 of 2018 dated 02.02.2018 does not related to the cancellation of selection of a candidate figuring either in the select list or the wait list. The SRO is applicable only on such candidates whose recommendations are kept withheld and later released.*

*SRO-60 has a twofold objective. (i) to reckon the validity of a withheld recommendation from a select list from the date of release of the with-held recommendation and (ii) reckon the validity of the with-held recommendation from a wait list from the date of release of the with-held recommendation"*

Whereas, the General Administration Department has further vide Circular No. 38-JK(GAD) of 2020 dated 24.12.2020 has issued following instructions in this regard:-

*"Attention of Administrative Departments/Heads of Departments is brought to Rule 14(5) & (7) of the Jammu and Kashmir Civil Services (Decentralization & Recruitment) Rules, 2010, read with SRO 533 of 2018 dated 29.11.2018, which prescribe the validity of select list/ wait list issued by the Recruiting Agencies as under:*

*"(5) The select list shall remain in force for a period of one year from the date the select list is sent to the requisitioning authority.*

*(7) The concerned Selection Committees of the Board shall also draw up a waiting list of 50% of the total number of posts advertised, which shall extend to 100% where the number of vacancies is 10(ten) or less. The Selection Committees shall forward the waiting list, through the Board, to the requisitioning authority for consideration against drop-out vacancies. The waiting list shall remain in force for a period of one year from the date the original selection list is sent to the requisitioning authority...."*

*In spite of these statutory requirements to conclude the selection process in a time bound manner, it has been noticed that inordinate delay is taking place in the departments in operating the selection list/waiting list and in the process, the selection/wait list expires/loses its validity.*

*As per the service jurisprudence, the relaxation in the Rules has to be done very judiciously and under extremely exceptional circumstances so as to withstand the scrutiny of*





2/2022

law. Relaxation in the rules cannot be claimed as an unflagging right.

Accordingly, it is impressed upon all the Administrative Departments/Heads of the Departments to ensure timely processing of the Select/Wait list to their logical conclusion within the validity period prescribed under rules and refrain from recommending such cases laden with procedural delays caused by respective departments for relaxation to the General Administration Department."

Whereas, in addition, the General Administration Department has issued circular No.23-JK (GAD) of 2021 dated 16.07.2021 for adhering the earlier instructions issued vide Circular No. 38-JK(GAD) of 2020 dated 24.12.2020. In the said circular instructions of GAD dated 16.07.2021 it has been impressed upon:-

*"All the Recruiting Agencies/Appointing Authorities to adhere to the statutory provisions and bring the selection processes to their logical conclusion within fixed timelines and refrain from recommending the cases laden with procedural delays for relaxation in the Rules which has to be done very judiciously and under extremely exceptional circumstances so as to withstand the scrutiny of law. So, in future, the administrative departments shall recommend such cases of relaxation only after fixing the responsibility on erring officials/officers/offices/Departments or cause of delay is due to any extra-ordinary reasons beyond the control of any authority or under extremely exceptional circumstances with detailed reasons to be brought out in the recommendation."*

Whereas, the General Administration Department has issued one more circular No.27-JK (GAD) of 2021 dated 10.08.2021 for adhering the earlier instructions issued vide Circular No. 38-JK(GAD) of 2020 dated 24.12.2020 and 23-JK(GAD) of 2021 dated 16.07.2021. In the said circular instructions of GAD dated 10.08.2021 it has been impressed upon:-

*"All the administrative departments to adhere to the statutory provisions with circular instructions/advisories issued on the subject with the advice to refrain from recommending the cases for re-validation of select list/wait list in relaxation of the Jammu and Kashmir Civil Services (Decentralization & Recruitment) Rules, 2010, particularly those which have lost their validity prior to 31<sup>st</sup> of October, 2019 considering the change in legal framework and re-organization of erstwhile State."*

Whereas as per the observation/opinion of the General Administration Department, the instant waiting list in respect of applicant (Mizba Hassan) cannot be operated as the validity of the selection/wait list has already outlived its validity on 05.06.2019.



92/2022

Now, therefore, in view of the above, the claim of the applicant has been considered in light of the directions passed by the Hon'ble Central Administrative Tribunal, Srinagar on 04.04.2022, in O.A No.218/2022 titled Mizba Hassan v/s UT of J&K & ors and found not in consonance with the rules, and hence rejected.

By Order of the Government of Jammu and Kashmir.

*Sd/-*  
(Alok Kumar) IRS  
Principal Secretary to the Government  
School Education Department

No. Edu-LGL0Kmr/231/2022-01

Dated: 31 -10-2022

Copy to the:-

1. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India.
2. Director School Education, Kashmir for information and necessary action.
3. Secretary, J&K Services Selection Board.
4. Pvt. Secretary to Principal Secretary to Government, General Administration Department 5. Pvt. Secretary to Principal Secretary to Government, School Education Department.
6. Concerned applicant.
7. I/C Website
8. Govt. Order file (w.3.s.c).

*Javid Ahmad*  
(Javid Ahmad)  
Additional Secretary to the Govt  
School Education Department