

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP (C) No. 2024/2025

Jammu and Kashmir Public Service
Commission

.....Applicant(s)/Petitioner(s)

Through :- Mr. Farooq Ahmad Natnoo, Advocate

v/s

Deveani Suri

.....Respondent(s)

Through :- Mr. Kunal Saini, Advocate

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

**ORDER
08.08.2025**

1. This petition by the J&K Public Service Commission [the petitioner] is directed against an order/judgment dated 06.02.2025 passed by the Central Administrative Tribunal, Jammu (**“the Tribunal”**) in OA No. 1178/2024 titled *“Deveani Suri vs. UT of J&K and Ors”*, whereby the Tribunal has, while allowing the OA, directed the petitioner-Commission to conduct interview of the respondent (the original applicant before the Tribunal) for J&K Combined Competitive Examination, 2023 in terms of notice dated 16.10.2024.
2. Briefly stated, the facts leading to the filing of this petition, as are gatherable from the impugned judgment of the Tribunal, are that vide notification no. 12-PSC (DR-P) of 2023 dated 13.04.2023, the petitioner invited applications from the eligible candidates to participate in the selection process of the J&K Combined

Competitive Examination, 2023. The respondent responded to the aforesaid advertisement and admitted in the selection process. The respondent qualified the Preliminary Examination and was admitted to the Mains Examination to be conducted on 20.02.2024.

3. The result of the Mains Examination was declared by the petitioner-Commission on 09.07.2024. The name of the respondent did not figure in the list of candidate cleared in the Mains for viva-voce and further process of selection. The respondent under a *bona fide* belief that she had failed to qualify for the interview, lost touch with the petitioner-Commission.
4. It seems that on scrutiny of testimonials of the candidates who had qualified mains for participating in the process of interview, the petitioner found some of the candidates not possessing the requisite eligibility. This made the petitioner to delete some names from the list of candidates who had qualified mains examination and had been short-listed for interview. This also resulted in slight change in the list of qualified candidates and as a result of deletion of some of the candidates, the respondent who was falling in the merit came to be shown in the list of candidates who had qualified mains for participating in the interview. It is the case of the Public Service Commission that the aforesaid information was uploaded on the official website. It is also the plea of the petitioner that out of 13 candidates who were later included in the list of qualified candidates for participating in the viva-voce, eight candidates responded to the aforesaid notification and appeared in the

interview. However, five candidates including the respondent could not present themselves for interview before the interviewing committee. They were, accordingly, shown absent.

5. Feeling aggrieved of her exclusion from the process of interview, the respondent filed OA No. 1178/2024 before the Tribunal seeking *inter alia* the following reliefs: -

a. To conduct the interview of the respondent for J&K Combined Competitive Examination, 2023 in furtherance of notice dated 16.10.2024 and declare her result and also depute her for medical examination.

b. To keep one post of J&K Combined Competitive Examination, 2023 reserved for the applicant.

6. The OA was contested by the petitioner-Commission on the ground that all the 13 candidates including respondent were properly notified, but the respondent remained absent on the date of interview on her own and, therefore, no premium could be put on the wrong which is purely attributable to the respondent. It was also claimed by the petitioner-Commission that apart from uploading the relevant information and notification on the official website of the P.S.C., the notice was also sent to the Director, Information for publication in the daily newspaper having wide circulation in the area.

7. The matter was examined by the Tribunal in the light of the rival contentions and the material on record and the Tribunal came to the

conclusion that the respondent had *bona fide* missed the opportunity to participate in the interview and that the manner in which the list of qualified candidates who were shortlisted for Viva-voce was redrawn there was every possibility of some of the candidates, who were later on declared qualified, missing the notification and thereafter missing the chance to participate in the interview.

8. Having heard learned counsel for the parties, we are of the considered opinion that the view taken by the Tribunal is correct in the given facts and circumstances obtaining in the case. It is not in dispute that when the result of mains was declared by the J&K Public Service Commission, the name of the respondent was not amongst the candidates qualified for viva-voce. There is nothing either in the brochure or in the terms and conditions contained in the advertisement notification that the list of candidates, who have qualify the mains can be redrawn after it has been published for the information of the concerned candidates. We, however, are not saying that Public Service Commission does not have competence to verify the eligibility/testimonials of the candidates who have qualified the mains examination and perhaps under this inherent power, the J&K Public Service Commission after verifying the testimonials of the candidates who were declared qualified in mains found that in as many as 13 candidates were not eligible. Accordingly, the petitioner deleted their names from the list of candidates, and included the 13 candidates next in the order of merit list. It is true that the aforesaid list was uploaded by the Public

Service Commission on its official website for the information of the candidates. We are also aware that in response to the information uploaded on the official website in as many as 8 out of 13 candidates participated in the interview. With a view to find out as to whether the notice for the information of 13 new candidates who were later inserted in the list of qualified candidates was published in any newspaper. Mr. F.A. Natnoo, learned counsel appearing for the petitioner was asked to seek instructions. It was pointed out to us that the notice was sent to the Director, Information for publication, but there is no evidence in the hand of the Commission to demonstrate that such notice was ever published in any daily newspaper having circulation in the area.

9. For the aforesaid reasons, we are in agreement with learned counsel for the respondent that the respondent missed the chance because of the reason that she was not originally shown in the list of candidates who were declared qualified in the mains and, therefore, lost interest in visiting the official website of the Commission. That apart, it was also her *bona fide* belief and which is supported by the material on record that the candidates were not expecting last minute change/revision of the list of candidates declared qualified in the mains.

10. That apart, the notice which was put by the petitioner on their official website was not published in the newspaper. Had notice been published in the newspaper, there was every likelihood of the information coming to the notice of the respondent. We are aware

that 8 of the 13 candidates, who were similarly situated with the respondent, appeared before the interviewing committee after getting information from the official website of the petitioner only. However, the respondent missed the interview, but this absence of the respondent in the interview cannot be wholly and entirely attributed to the respondent. The circumstances were such that any candidate could have missed the information with regard to his/her coming into the list of candidates having qualified the mains examination, more particularly, when the first list did not contain their names.

- 11.** For all these reasons and also the reasons given by the Tribunal in the impugned judgment dated 06.02.2025, we find no merit in this petition and the same is, accordingly, dismissed.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

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