

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

**WP (C) No. 2737/2025
CAV No. 1743/2025**

**UT of J & K through Secretary,
J & K Service Selection Board,
Jammu.**

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

Through :- Mr. Raman Sharma, AAG with
Ms. Saleeqa Sheikh, Advocate

v/s

**1. Rakshit Maria,
S/o Raj Kumar,
R/o Jaganoo, PO-Jaganoo,
Tehsil & District-Udhampur.**

.....Respondent(s)

**2. Central Administrative Tribunal, Jammu
through its Registrar, Jammu.**

Through :- Mr. Jasbir Singh Jasrotia, Advocate

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

ORDER (ORAL)

29.09.2025

सत्यमेव जयते

CAV No. 1743/2025

- 1) Heard learned counsel for the caveator.
- 2) ***Caveat stands discharged.***

WP (C) No. 2737/2025

1. Impugned in this petition, filed by the J & K Service Selection Board under Article 226 of the Constitution of India, is an order and judgment dated 07.03.2025 passed by the Central Administrative Tribunal, Jammu Bench, Jammu [**“the Tribunal”**] in OA No. 1013/2022 titled *“Rakshit Maria Vs. UT of J & K & Ors.”*, whereby the Tribunal has, while allowing the OA of the respondent

directed the petitioner to reconsider the case of the respondent empathetically by allotting him additional 05 points extra weightage, provided he is otherwise eligible for the post in question. Two months time was granted by the Tribunal to the petitioners to do the needful.

2. Impugned judgment is assailed by the petitioners, primarily on the ground, that the Tribunal has failed to appreciate that the benefit of extra 05 points, earmarked for the candidates whose family member neither is nor has been in Government service, including in PSUs/Boards/Autonomous Bodies, etc. substantially owned and controlled by the Government, could not have been accorded to the respondent for the reason that the benefit of such 05 points had not been claimed by the respondent in his application form.
3. *Per contra*, Mr. Jasbir Singh Jasrotia, learned counsel appearing on behalf of the respondent would submit that the respondent had kept the requisite column pertaining to the aforesaid aspect blank for the reason that the respondent had her mother serving in the Department of Social Welfare, Government of Jammu & Kashmir as Anganwari Worker. The clarification that such of the employees who are working in the schemes and not against the civil posts under the Government and PSUs are not covered by the aforesaid clause of the criteria earmarking 05 additional points to the candidates whose family member neither is nor has been in Government service, including in PSUs/Boards/Autonomous

Bodies, etc. substantially owned and controlled by the Government came later after the cut off date.

4. Having heard learned counsel for the parties and perused the material available on record, we are of the considered opinion that the judgment passed by the Tribunal is correct, both on facts and law and, therefore, does not call for any interference by us in these proceedings.
5. Before we advert to solitary ground of challenge urged by Mr. Raman Sharma, learned AAG, appearing on behalf of the petitioner, we deem it appropriate to narrate few material facts.
6. The petitioner-Board invited applications for filling up the posts of Class-IV in various departments by issuing advertisement notification dated 26.06.2020. The respondent being eligible in all respects applied and participated in the selection process and claimed his consideration against the post of Class-IV in District Cadre, Udhampur. As per the selection criteria notified by the Government in terms of SO 184 dated 04.06.2020 and SRO 404 of 2018 dated 15.09.2018, 05 additional points were earmarked for the candidates whose family member neither is nor has been in Government Service, including in PSUs/Boards/Autonomous Bodies, etc. substantially owned and controlled by the Government.
7. Having regard to the selection criteria which was duly published by the petitioner-Board along with advertisement notification, the respondent did not claim the benefit of aforesaid 05 points on the ground that his mother was already working in the Department of

Social Welfare, Government of Jammu & Kashmir as Anganwari Worker. He, therefore, kept the relevant column blank. It is because of this reason that during the process of selection, 05 additional points were not given to the respondent.

8. Since the respondent could not find his name in the provisional select list, he approached the Tribunal by way of OA No. 1013/2022, which has been disposed of by the Tribunal in terms of the judgment impugned in this petition.
9. The Tribunal after having taken note of the rival contentions of the parties and finding that the clarification was issued by the General Administration Department [**“GAD”**] only on 16.07.2021 and, therefore, the respondent had no occasion to answer the relevant column and claim the benefit of 05 additional points on the ground that none of the family member was employed in the Government. The Tribunal also took note of the fact that immediately on issuance of clarification by GAD on 16.07.2021, the respondent produced the certificate dated 20.07.2021 before the petitioner-Board on 23.07.2021 i.e. during the currency of selection process. In these circumstances, it was opined by the Tribunal that the benefit of 05 additional points could not have been denied by the petitioner-Board to the respondent.
10. We have carefully gone through the judgment passed by the Tribunal and we are of the opinion that the view taken by the Tribunal is correct and unexceptional in the given facts and circumstances of the case. It is not in dispute that when the

advertisement Notification No. 01 of 2020 dated 26.06.2020 was issued, the selection criteria which was also published along with advertisement notification as Annexure-B clearly provided the additional 05 points to the three different categories of the candidates. The additional 05 points earmarked for the 1st category which is at S. No. 2 of the criteria reads thus:

S. No	Criteria	Marks
2.	<i>Candidates whose family member neither is nor has been in Government Service, including in PSUs/Boards/Autonomous Bodies, etc. substantially owned and controlled by the Government.</i>	05

11. The respondent, as is apparent, bonafidely believed that since his mother is working as Anganwari Worker in the Social Welfare Department, Government of Jammu & Kashmir and, therefore, he was not entitled to the additional 05 points. He, therefore, did not fill up the relevant column in the application form. However, it was only when the GAD came up with the Office Memorandum/Clarification on 16.07.2021, clarifying that “a candidate working as Casual/Contractual/Adhoc/Daily Rated Workers/Consolidated and other honorarium based Workers such as Anganwari Workers, Asha Workers, SPOs, NYC, CPW, SPO, PTS, HDF etc. in his/her family” can claim the benefit of extra 05 marks as such employees do not fall under the category of permanent Government employees”. The respondent whose mother was working as Anganwari Worker in the Social Welfare Department obtained the

requisite certificate on 20.07.2021 and submitted the same to the petitioner-Board on 23.07.2021.

12. It is also not in dispute that when the respondent produced the requisite certificate, entitling him to the additional weightage of 05 points, the selection process was in currency and had not been finalized.
13. It is in these circumstances, it was incumbent upon the petitioner-Board to take a rational view in the matter and consider his certificate for awarding him the weightage of additional 05 points. This, however, has not happened. It is because of this reason, the respondent felt aggrieved and approached the Tribunal.
14. The Tribunal has appreciated the controversy in correct perspective and has allowed the OA in terms of the judgment impugned before us.
15. For the reasons we have given hereinabove and also those contained in the judgment impugned, **we find no merit in this petition, and the same is, accordingly, dismissed.** However, with a view to introduce clarity to the directions, the operative portion of the judgment impugned is recast as under:

“The OA shall stand allowed, the petitioner herein is directed to reconsider the case of the respondent by allotting him additional 05 points extra weightage, provided, he is otherwise eligible to hold the post in question. If upon adding 05 additional points to the merit, the respondent comes in the selection zone i.e. he is found to obtain the merit which is more than last candidate selected in his category, his candidature shall be

recommended by the petitioner-Board to the Department concerned for appointment. This exercise shall be completed by the petitioner-Board within the period of 02 months from the date of passing of this order. The recommendations, if any, made by the petitioner-Board in favour of the respondent shall be acted upon by issuing of order of appointment by the Department concerned against any available vacancy within the period of 02 months from the date of receipt of such recommendation.”

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
29.09.2025
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Whether the order is speaking : Yes
Whether the order is reportable : Yes

