

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1278/2023

BILAL AHMAD MIR

...Petitioner/Appellant(s)

Through: Mr. M.A.Wani, Advocate.

Vs.

UNION TERRITORY OF JANDK AND ORS.

...Respondent(s)

Through: Ms. Maha Majeed, Assisting Counsel vice
Mr. Mohsin Qadri, Sr. AAG..

CORAM:

HON'BLE MR JUSTICE SANJEEV KUMAR, JUDGE

HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE

ORDER

08.07.2025

1. This writ petition filed by the petitioner under Article 226 of the Constitution of India is directed against an order and judgment dated 14th February, 2023 passed by the Central Administrative Tribunal, Srinagar (the Tribunal) in TA No. 1888/2020 titled "Bilal Ahmad Mir vs. State of Jammu and Kashmir and Ors", whereby the Tribunal has dismissed the petition filed by the appellant seeking a writ of mandamus to the respondents to appoint him as Constable in SDRF under 'Open Category' in District Kupwara in terms of Advertisement Notification dated 24th August, 2012 issued by the respondent No. 2.

2. Briefly stated facts leading to the filing of this writ petition are that the respondent No. 2 vide its Advertisement Notification dated 24th August, 2012 invited applications for recruitment to the post of Constable in Jammu and Kashmir SDRF Battalion in various districts including District Kupwara. The qualification prescribed for the post as indicated in the advertisement notification was Matriculation. 57% of the posts were earmarked for the open

category (OM). The petitioner being '10+2' and claiming to possess a diploma certificate of one-year duration in Computer Technology from All India Institute of Software Technology, Karan Nagar, applied for the said post. The selection process undertaken by the respondents culminated into issuance of select list in which the name of the appellant did not figure.

3. With the grievance that the respondents had not considered his additional qualification of computer diploma certificate and sports certificate, he filed a writ petition before this Court which upon transfer to the Tribunal was registered as TA No. 1888/2020.

4. The writ petition was contested by the respondents and in their reply affidavit it was pleaded that the merit of the petitioner was evaluated as per the selection criteria and was accordingly awarded 24 marks. It was submitted that the appellant also produced copy of marks certificate issued by a private institute namely All India Society for Electronics and Computer Technology which was not considered by the competent authority as the same was not in tune with the advertisement notification.

5. The said Transfer Application was considered by the Tribunal and vide order and judgment impugned the same was dismissed.

6. Feeling aggrieved the petitioner is before us invoking extraordinary jurisdiction vested in this Court under Article 226 of the Constitution of India.

7. Having heard the learned counsel for the parties and perused the record, we are of the considered opinion that the impugned order and judgment passed by the Tribunal does not suffer from any error of law or fact and, therefore, deserves to be maintained. The qualification certificates which the petitioner is relying upon for seeking additional marks are, on the face of it, not from a recognized institution. A quick look at the advertisement notification would indicate that degree/diploma (minimum one-year duration) to be relied upon

in the selection process must be one issued by university or college recognized by UGC/Government ITI or from Government institution. Admittedly, the one-year certificate course in computer programme and application is issued by the society known by the name of All India Society for Electronics and Computer Technology which, of course, is not a university incorporated under any act of legislature/parliament or a deemed to be university declared to be so under UGC Act.

8. From a reading of the diploma certificate, it clearly transpires that it is a society running some diploma programmes in Electronics and Information Technology implemented under core support from Department of Science and Technology, Government of India. The diploma certificate also does not seem to have been issued by an institution which is recognized either by the Government of India or Government of Madhya Pradesh.

9. Viewed from any angle, the All India Society for Electronics and Computer Technology cannot be termed to be a university or a deemed to be university or a college/technical institution recognized by any Government. This is the only certificate on which much stress was laid by Mr. M.A. Wani, learned counsel for the appellant, to claim additional marks so as to come within the zone of selection. The Tribunal has considered the issue in right perspective and has declined to accede to the contention of the writ petition that he was entitled to additional points for the aforesaid qualification.

10. For the reasons given by the Tribunal in support of its judgment and the reasons which we have given hereinabove, we find no merit in this petition, Same is accordingly dismissed.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR
08.07.2025
“Shahid Manzoor”