

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

WP(C) 1116/2024 CM(3057/2024)

TAHIR NABI BHAT

...Petitioner/Appellant(s)

Through: Mr. Mohd Amin, Advocate

Vs.

UNION TERRITORY OF J AND K AND ORS.
(PUBLIC WORKS / R AND B / SSRB)

...Respondent(s)

Through: Mr. Abdul Rashid Malik, S.AAG with
Mr. Mohd Younis, Advocate

CORAM:

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

ORDER
04.06.2025

Oral:

1. This petition under Articles 226 of the Constitution of India preferred by the petitioner is directed against an order and judgment dated 23rd February 2024 passed by the Central Administrative Tribunal Srinagar Bench ["the Tribunal"] in OA 75/2024 titled '*Tahir Nabi Bhat Vs Union Territory of Jammu and Kashmir and Ors*'.
2. Briefly stating the facts leading to the filing of this petition are that JKSSB vide advertisement Notification No.06 of 2022 dated 11.11.2022 invited applications for the post of Junior Engineer Civil. The petitioner responded to the aforesaid notification and participated in the written examination conducted by the JKSSB on 19th November, 2023. On conclusion of the written examination, a provisional answer key was published by JKSSB on 19th November, 2023, inviting objections/representations, if any, from the aggrieved

candidates to be submitted within a period of three days of the publication of the provisional answer key.

3. In response, the JKSSB received as many as 1524 objections, which were considered with the help of experts and final answer key was published on 07.12.2023. The petitioner was happy with the provisional answer key and, therefore, did not prefer any objection within the stipulated period. He, however, felt aggrieved by two of the answers given in the final answer key and approached the respondents to consider his grievance. When the grievance projected by the petitioner was not considered by the JKSSB, the petitioner approached the Tribunal by way of OA No. 1002/2023 which was disposed of by the Tribunal on the motion hearing day with the direction to the respondents to consider the general grievances of the petitioner in accordance with the rules and statutes governing the field. In compliance with the directions issued by the Tribunal dated 15.12.2023, the grievance projected by the petitioner in the OA was considered by the JKSSB and it was found that he was not amongst those who had filed objections to the provisional answer key within stipulated period.
4. Relying upon Rule 57 of Chapter XXIV of the Jammu and Kashmir Services Selection Board (Conduct of Examination) Regulations, 2022, the JKSSB came to the conclusion that the answer key once finalized after considering the objections is not open to challenge. Accordingly, the representation of the petitioner was rejected.
5. Feeling dis-satisfied and aggrieved by the consideration order bearing No 12-SSB of 2024 dated 08.01.2024 passed by JKSSB, the petitioner yet again filed OA No 75/2024 before the Tribunal and

vide judgment and order impugned, OA 75/2024 has been disposed of by the Tribunal being devoid of merit.

6. The impugned order is challenged by the petitioner, primarily, on the ground that the respondent Board has not considered grievance of the petitioner in terms of the judgment passed by the Tribunal dated 15.12.2023 in OA No 1002/2023, in that, the objection of the petitioner against two answers in the final answer key have not been subjected to scrutiny.
7. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment impugned passed by the Tribunal is perfectly legal and the view taken by the Tribunal is unexceptionable. As per the clearest regulation in the Jammu and Kashmir Services Selection Board (Conduct of Examination) Regulations 2022, in particular, Rule 57 of Chapter XIV, the answer key once finalized after considering the objections to the provisional answer key is not open to variation.
8. It is true that when the provisional answer key was published by the JKSSB, the petitioner was not aggrieved and, therefore, did not prefer any objections. However, many candidates who were aggrieved by various answers depicted in the answer key filed representations. All the representations were considered by the JKSSB with the help of experts and some of the questions were corrected. Accordingly, the final answer key was published. The final answer key issued was not subject to further variation on the representation of the candidates.
9. If we were to agree with the contention of the learned counsel for the petitioner, then the process of selection, in particular, the finalization

of answer key, will become unending process and it would not be possible to complete the selection ever. The provisional answer key once published is open to objections by the aggrieved candidates and it is upon consideration of the objections, if any, filed by the aggrieved candidates, the Board is under the obligation to publish the final answer key. Once the final answer key is published, there is no scope for further variation. The Tribunal has correctly appreciated the controversy and has not found favour with the arguments of the learned counsel appearing for the petitioner.

10. For all these reasons, we find no merit in this petition and same is accordingly **dismissed**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:
04.06.2025
"Adil Ismail"

Whether the order is reportable? Yes/No

Whether the order is speaking? Yes/No