

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

WP (C) No. 316/2026
CAV No. 2839/2025

Date of pronouncement: 16.02.2026
Date of uploading: 17.02.2026.

**Union Territory of Jammu and Kashmir
through Secretary, Jammu and Kashmir
Services Selection Board, Jammu**

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

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

v/s

**1. Zahir Abbas, age 42 years, S/o Mohd.
Bashir, R/o Village Sonarthawah,
Chiralla, Doda**

.....Respondent(s)

**2. Commissioner-cum-Secretary to J & K
Govt., Social Welfare Department, Civil
Secretariat, Srinagar.**

**3. Director, Social Welfare Department, J
& K Govt., Jammu.**

**4. Nargis Faheena Bashir, D/o Bashir
Ahmed Wani, R/o Gool, District-
Ramban.**

**5. Harde Singh, S/o Jagdev Singh, R/o
Motlote Mahore, District- Reasi.**

**6. Imtiaz Ahmed Wani, S/o Gh. Hassain
Wani, R/o Gariad Kalam Budgam,
District- Budgam.**

**7. Babu Ram, S/o Paras Ram, R/o Mohalla
Doda, District- Doda.**

**8. Shamasul Haque, S/o Manzoor Ahmed
Wani, R/o Ropra Namthal Chadoora,
District-Budgam, Kashmir**

....Proforma Respondent(s)

Through :- Mr. M Nadeem Bhat, Advocate

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

ORDER
16.02.2026

1. The UT of Jammu and Kashmir invokes Article 226 of the Constitution of India to seek quashment and setting aside of an order and judgment dated 04.06.2025 passed by the Central Administrative Tribunal, Jammu Bench [**“the Tribunal”**] in TA No. 8785/2020 titled *“Zahir Abbas vs. State of J & K and Others”*, whereby the Tribunal has allowed the petition of the respondent and directed the petitioner herein to select and appoint him to the post of Tehsil Social Welfare Officer (TSWO), notified for selection vide advertisement notification no. 02/2014 dated 30.12.2014 or advertisement notification no. 06/2013 dated 10.05.2013.
2. Briefly stated, the facts leading to the filing of this petition are that the J & K Services Selection Board, Jammu [**“the SSB”**] invited applications for the post of Tehsil Social Welfare Officer (TSWO) vide notification Nos. 06/2013 dated 10.05.2013 and 02/2014 dated 30.12.2014. The respondent being eligible, in terms of the eligibility prescribed in both advertisement notifications, submitted his candidature for consideration against the post in question. He was shortlisted and subjected to viva-voce. The selection process was conducted by the SSB by adopting the following selection criteria: -

- i. Written Test- 75 points.
- ii. Preferential qualification-05 points
- iii. Viva/voce - 20 points

Total- 100 points

3. The selection process was concluded with the issuance of select list by the Board. The respondent, who had applied under RBA category did not find his place in the select list. He was awarded 63.2721 (in respect of notification no. 06/2013) and 63.9388 (in respect of advertisement notification no. 02/2014).
4. The cut-off for the RBA category in respect of notification no. 06/2013 was 67.5646 and in respect of notification no. 02/2014 was 68.8980.
5. Since the marks obtained by the respondent were less than the cut-off for the RBA category, as such, he was not selected by the SSB.
6. Feeling aggrieved, the respondent approached this Court by way of SWP No. 1938/2017 which on transfer to the Tribunal, was registered as TA No. 8785/2020.
7. The short grievance that was projected by the respondent in the petition was that he was possessing the higher qualification of MA Social Science from IGNOU and, therefore, as per the selection criteria, he was entitled to five additional points.
8. This was contested by the petitioner herein on two counts, i) that the qualification of Post-Graduation in Social Science obtained by the respondent from IGNOU was not recognized qualification; and ii),

that the respondent did not possess the preferential qualification in Social Science at the graduation level.

9. Both the grounds urged on behalf of the petitioner were turned down by the Tribunal, which, vide its order and judgment impugned, allowed the plea of the respondent for award of five additional points. It was found that with the addition of five points, the merit of the respondent had gone above the cut-off points and, accordingly, the Tribunal directed the petitioner herein to select and appoint the respondent as TSWO against the post earmarked for RBA category.
10. Impugned judgment is assailed by the petitioner on the same grounds which have been effectively turned down by the Tribunal.
11. Having heard learned counsel for the parties and perused the material on record, it is necessary to first advert to and set out eligibility qualification prescribed for the post in question which reads thus:

“Graduate from a recognized University. Preference shall be given to the candidates with Social Science”
12. From the reading of the eligibility qualification prescribed for the post in question, it is abundantly clear that the preference has been provided to the candidates possessing the qualification of Social Science whether it is at the graduation level or after graduation. It was, however, for the Service Selection Board to come up with the rational criteria to give effect to the preference clause contained in the eligibility qualification reproduced above.

13. The Services Selection Board decided to provide five additional points to those, who were possessing the qualification of Social Science. In the instant case, not only respondent possesses the qualification of graduation with one of the subjects as Humanity & Social Science (FHS1), i.e., a subject of Social Science, but he has also obtained a PG degree in Sociology (Social Science). The respondent, therefore, clearly meets the preference criteria and is entitled to five additional points.
14. The Tribunal has, thus, committed no illegality or infirmity in awarding him five additional points.
15. As observed above, with the additional of five points, the merit of the petitioner has gone beyond the cut-off for selection in both the advertisement notifications and, therefore, the respondent cannot be denied the benefit of selection and appointment against the said post.
16. It needs to be noticed that when SWP No. 1938/2017, which, on transfer to the Tribunal, came to be registered as TA No. 8785/2020, came up for consideration before a Single Bench of this Court on 04.08.2017, the learned Single Judge while issuing notice to the respondent also provided that one post of TSWO under RBA category shall not be filled up.
17. Since the post has not been filled up and, therefore, in law and fact is available to be offered to the respondent. There is, thus, no requirement to quash or set aside the selection of the candidate last selected under the RBA category.

18. For the foregoing reasons, we find no merit in this petition and the same is, accordingly, dismissed.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
16.02.2026
Manik

Whether this order is speaking: Yes/No

Whether this order is reportable: Yes/No

