Serial No.06
Regular Cause List

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

**WP(C) 2638/2026**
**CM(7224/2026)**

**CHAIRMAN AND ANOTHER ...PETITIONER(S)**

Through:
Mr. Shah Aamir, Advocate

V/s.

**NASEER AHMAD MALIK AND OTHER ...RESPONDENT(S)**

Through:

**CORAM:**
**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.**
**HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE.**

**ORDER**
*02.11.2026*

01. Impugned in this petition, filed by the Chairman and Secretary of the J&K Public Service Commission under Article 226 of the Constitution of India, is an interim order dated 18.05.2026, passed by the Central Administrative Tribunal, Srinagar ["the Tribunal"] in OA No. 427/2026 titled ***"Naseer Ahmad Malik Vs. Union Territory of J&K and Ors.",*** whereby the Tribunal has by way of interim order directed the petitioners herein to conduct the interview of the respondent at his own risk and responsibility. The Tribunal has further made it clear that mere appearance in the interview would not confer upon the respondent any preferential right to claim his selection/appointment. The result of the respondent was also directed to be kept in a sealed cover and produced before the Tribunal.

MIR ARIF MANZOOR
I attest to the accuracy and
authenticity of this document

03.11.26

02. Having regard to the nature of the controversy involved, we are of the considered opinion that the Tribunal has passed an appropriate order. On the one hand, it has preserved the lis and, on the other, permitted the respondent, who has a strong prima facie case in his favour, to appear in the interview.

03. Indisputably, the respondent belongs to the category of RBA and has secured 67.75 marks, whereas the cut of merit for the Open Merit category is 65.50 meaning thereby the respondent belonging to the RBA category has secured higher merit than the cut-off for the Open Merit category. It would, therefore, amount to a denial of justice if the RBA status of the respondent is allowed to operate to his detriment.

04. Otherwise also, Rule 47(ii) of the J&K Public Service Commission (Business & Procedure) Rules, 2021, makes it abundantly clear that where a reserved-category candidate secures merit equal to or higher than that of the Open Merit category, such candidate shall be called for the oral test in the respective category.

05. Needless to say, that the respondent, having secured merit higher than the cut-off for the Open Merit category, is entitled to be shortlisted. However, he would be considered in the RBA/open category while making the selection. We have made these observations only to indicate that the interim directions issued by the Tribunal are supported by the prima facie case established by the respondent.

MIR ARIF MANZOOR
I attest to the accuracy and
authenticity of this document

03.11.26

06. For the foregoing reasons, we find no merit in this petition and the same is, accordingly, **dismissed**. We, however, make it clear that the observations made hereinabove are confined to the disposal of this petition and shall not be construed as a final expression of opinion by this Court. The matter shall be considered by the Tribunal on its merits.

**(MOHD YOUSUF WANI)**
**JUDGE**

**(SANJEEV KUMAR)**
**JUDGE**

**SRINAGAR:**
*02.11.2026*
"Mir Arif"




MIR ARIF MANZOOR
I attest to the accuracy and
authenticity of this document

03.11.26