

Kouser Mir Vs. State and Others

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Court : Jammu and Kashmir

Decided On : Mar-17-2014

Judge : Tashi Rabstan

Appeal No. : SWP No. 666 of 2008

Appellant : Kouser Mir

Respondent : State and Others

Judgement :

1. By the medium of this petition, the petitioner is seeking a direction to the respondents in the nature of mandamus to conduct her interview for the posts of Speech Therapist and Audiometer Assistant on the grounds taken in the writ petition.

2. The facts in brief are that in pursuance of Notification No.(01)SKIMS-MC of 2007 dated 31.05.2007 applications were invited from the eligible candidates in the prescribed format supported by testimonials of academic/professional/technical qualification for the posts of Speech Therapist and Audiometer Assistant. The petitioner along with other eligible candidates applied for both the posts. Since the petitioner was not invited for interview for the posts in question, she has filed the present writ petition seeking redressal of her grievances.

3. Official respondents have filed the reply contending therein that the petitioner was not interviewed because she had failed to enclose her certificates with the application forms in support of her professional qualification.

4. Heard learned counsel for the parties and perused the record.

5. Admittedly, the petitioner had submitted her application forms for the posts of Speech Therapist and Audiometer Assistant in pursuance of Notification dated 31.05.2007. It is also revealed from the record that while examining the application forms vis-a-vis the testimonials of the petitioner, the Scrutiny Committee found that the petitioner had not attached the required testimonials/certificates with both the application forms in support of her professional qualification, therefore the Scrutiny Committee rejected her both the application forms. It is further revealed from the record that the eligible candidates were notified vide No. SKIMS/MC/Adm/08/405-81 dated 18.04.2008 to appear in the interview which was fixed for 01.05.2008. The official respondents even separately issued the call letters to the eligible candidates. In the said Notification it was also mentioned that in case any of the candidates does not receive the call letter, she/he should approach the office in person before the date of interview. However, as per the stand taken by the respondents, the petitioner approached the office of respondent no.2 after the date of interview.

6. It is not disputed that sub clause (e) of clause (II) of the Advertisement Notice contemplated that incomplete applications in any form whatsoever were liable to be rejected. Thus, as per the record and the stand taken by the respondents that once the petitioner has failed to submit her professional certificates along with the application forms, therefore, as per the terms and conditions laid down in the advertisement notice the candidature of the petitioner was liable to be rejected. A perusal of the record reveals that the members of the Scrutiny Committee have observed that the petitioner had not enclosed the required certificates with her application forms; therefore she was not eligible for the interview. The record further reveals that even the petitioner did not approach the authority within the cut-off date, i.e., the date of interview. However, the petitioner approached the official respondents after two days of the date of interview, but by that time the

Committee had already concluded and finalized the process of selection. Therefore, the relief sought for by the petitioner at this stage cannot be considered because the process of selection has already been finalized; meaning thereby the petitioner is deemed to have not participated in the process of selection. Even the petitioner was lacking eligibility as per the terms and conditions of the Notification, therefore, she has no right to participate in the interview.

7. In view of the above backdrop, this writ petition merits to be dismissed. Dismissed as such. Respondents are at liberty to go ahead with the selection process.

8. Interim direction shall stand vacated.

9. Registry is directed to return the record to learned counsel for respondents 1 to 4 against proper receipt.

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