

**(2020) 08 J&K CK 0021**

**Jammu And Kashmir High Court**

**Case No:** Latter Patent Appeals No. 146 Of 2019

Varinder Kumar And Others

APPELLANT

Vs

State Of J&K And Others

RESPONDENT

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**Date of Decision:** Aug. 17, 2020

**Hon'ble Judges:** Rajesh Bindal, J; Javed Iqbal Wani, J

**Bench:** Division Bench

**Advocate:** Kabir Kotwal

**Final Decision:** Dismissed

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**Judgement**

Rajesh Bindal, J

1. The appellants have impugned the judgment dated 29.03.2019 passed by the learned Single Judge in SWP No. 2591/2011, vide which the writ petition filed by the writ-petitioners/appellants was dismissed.
2. The issue raised in the writ petition pertains to the selection and appointment to the Class-IV posts in District Doda, for which advertisement was issued on 15.03.2006.
3. Learned counsel for the appellants submitted that in the advertisement issued, no post shown in ALC category. However, when select list was prepared, three candidates from ALC category were selected taking the posts belonging to the open merit category, against which the appellants, who belong to open merit category, could have been selected.
4. It is not in dispute that the appellants have secured 48.17%, 48.21% and 50.79% marks, respectively.
5. A perusal of the select list shows that after the select list there is a waiting list of 14 candidates in the open merit category. The marks secured by

the last candidate in the waiting list are 55.91, whereas the marks secured by the appellants are not even close to the last candidate in the waiting list.

Therefore, the appellants could not be selected in the open merit category even if three posts of class-IV from Open Merit category were not diverted to ALC category.

6. While concurring with the view taken by the learned Single Judge, we did not find any merit in the appeal, the same is accordingly dismissed.