

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

WP(C) No. 2560/2024

WP(C) No. 2566/2024

1. Zaka Chowdhary D/o Mohd Iqbal resident of Kali Poonch Tehsil Kali District Poonch.

2. Saqlain Mujtaba son of Mohd Iqbal resident of Kali Poonch Tehsil Kali District Poonch.

... petitioners

Through: - Mr. M.I.Sherkhan Advocate

Vs.

UT of Jammu and Kashmir and ors

... Respondents

Through: - Mr. M.Y.Akhood Advocate

CORAM: HON'BLE MR. JUSTICE ATUL SREEDHARAN, JUDGE
HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

Sanjay Dhar, J

1 By this common order, the afore-titled two writ petitions are proposed to be disposed of.

2 It appears that the petitioners had approached the Central Administrative Tribunal, Jammu Bench (hereinafter referred to as the 'Tribunal') by way of two separate Original Applications ('OA' for short) contending therein that the marking pattern in respect of papers relating to J&K Combined Competitive Civil Services Examination (Main), 2023 is discriminatory, inasmuch, the same is not in tune with the methodology that is being adopted by the Union Public Service Commission ('UPSC' for short). It was contended by the petitioners that the Authorities of the respondent-JK PSC have imparted

instructions to the evaluators to award less marks to the candidates with Anthropology as one of the optional subjects on the basis of the representation made by the candidates who had opted for other subjects. The petitioners, after having qualified the J&K Combined Competitive (Preliminary) Examination, 2023, are stated to have appeared in the main examination, held in March/April, 2024, but they were declared unsuccessful in the written examination, as such, were not called for the Personality Test.

3 On the basis of the aforesaid contentions, the petitioners sought quashment of Notification dated 09.07.2024 whereby the successful candidates were called for the Personality Test and a direction was sought upon the respondent-JK PSC to allow the petitioners to participate in the Personality Test.

4 It appears that, along with the Original Applications, the petitioners had also filed interim applications seeking a direction upon the respondent- JK PSC to allow them to appear in the Personality Test that is being conducted during the current month.

5 The learned Tribunal, vide impugned order dated 23.10.2024, declined the prayer of petitioner Zaka Chowdhary, whereas, a similar prayer made by petitioner Saqlain Mujtaba has not been considered by the Tribunal as yet.

6 We have heard learned counsel for the parties and perused the record.

7 The main grouse of the petitioners is that the methodology adopted by the JK PSC in evaluating the answer books

of the candidates who have appeared in the Jammu and Kashmir Combined Competitive Civil Services (Main) Examination, 2023 is not in tune with the methodology that is being adopted by the UPSC and, as such, the same is discriminatory in nature.

8 In the above context, it is to be noted that the mode and manner of conducting an examination and evaluating the answer books of the candidates who have appeared in the examination, is a matter which cannot be interfered with by the Courts in exercise of their powers of judicial review. Whether the methodology for evaluating the answer books of the candidates appearing in competitive examination, adopted by the UPSC is better than the one that is being adopted by the JK PSC, can be decided only by the experts and not by this Court or by the Tribunal. In any case, the petitioners have not given any specific details or instances to substantiate their contention that the methodology that is being adopted by the JK PSC is, in any manner, discriminatory against them.

9 Similarly, the contention of the petitioners that the Authorities of the JK PSC have instructed the Evaluators to award less marks to the candidates who have opted for Anthropology subject is merely speculative in nature as no specific details and material have been placed on record to substantiate this assertion. In any case, it is a settled law that, once a candidate has participated in a selection process, he cannot turn around and challenge the said process after having been unsuccessful in the examination.

10 For the foregoing reasons, we do not find any ground to interfere with the impugned order passed by the learned Tribunal. Both the writ petitions are without any merit and are dismissed accordingly.

(Sanjay Dhar)
Judge

(Atul Sreedharan)
Judge

Jammu
25.10.2024
“Sanjeev”

Whether the order is speaking: Yes
Whether the order is reportable: Yes

