

GOVERNMENT OF JAMMU AND KASHMIR
JAMMU AND KASHMIR SERVICES SELECTION BOARD
CPO Chowk, Kacchi Chowni, Jammu / Zamzam Complex, Rambagh, Srinagar
(www.jkssb.nic.in)

Order No: **331**-SSB of 2023
Dated: **27** .12.2023

Subject: OA No. 897/2023 Musaib Ayoub & Ors. vs Union Territory of Jammu & Kashmir & Ors. – Consideration order thereof.

Whereas, the applicants have filed an Original Application (OA), bearing No. 897/2023 before the Hon'ble Central Administrative Tribunal, Srinagar Bench, and upon consideration of the matter on 17.11.2023, the Hon'ble Central Administrative Tribunal, Srinagar Bench was pleased to pass an order, the operative portion whereof at paragraph 5, is reproduced as under:

"05. In view of the limited prayer made in this O.A, same is disposed of with the direction to the respondents to consider the representation of the applicants, if any filed by them, strictly in accordance with the law and rules governing the field.

Respondents are expected to do the needful and decide the representation with promptitude."

Whereas, the case of the applicants was placed before the Board in its 249th Meeting held on 20.12.2023 for discussion and deliberation, wherein it was decided as under:

"The Board deliberated the matter and decided that the examination Section, in consultation with the Legal Section, shall examine the matter and pass a detailed speaking order, having regard to the extant Board Regulations governing the issue and in due deference to the directions of the Hon'ble CAT, Srinagar in O.A. No. 897/2023."

Whereas, having regard to the order dated 17.11.2023 passed by the Hon'ble Central Administrative Tribunal, Srinagar Bench and in light of the decision taken by the Board in its 249th Meeting, the case of the applicants has been examined and the following factual position has emerged:

- a) The Jammu and Kashmir Services Selection Board (JKSSB) conducted Computer Based Written Test (CBT) for 1200 posts of Sub-Inspector (Home Department) advertised vide Notification No. 06 of 2021 read with Notice No. SSB/Secy/2021/7926-43 dated 24.11.2023 which commenced



with effect from 7th December 2022 to 20th December 2022 in multiple shifts.

- b) That the Provisional Answer Key was notified by the JKSSB vide Notification No. JKSSB-COE0EXAM(UT)/54/2022-03 (7057013) dated **28.12.2022** wherein following was provided:

"The answer key along with Question Paper(s) in respect of this Exam shall be available to the candidates through the online link available on the official website of the JKSSB ie www.jkssb.nic.in w.e.f 30.12.2022 to 02.01.2023. The candidates having any objection(s) to the Answer Key, may submit their objections/representations in respect of any question(s) and upload the same, along with documentary evidence/reference by paying a fee of Rs. 200/- (Rupees Two Hundred only) per question...."

It was also stipulated in the said notification that the objections/representations received after the due date and through any other means shall not be entertained.

- c) That in response to the afore-mentioned notification, 1535 objections to the Provisional Answer Key in respect of 333 unique questions came to be received. These objections/representations as per applicable norms were forwarded to the Subject Matter Experts (SMEs) for opinion and examination.
- d) That JKSSB, subsequent to the consideration of the objections by the SMEs vide Notification No. JKSSB- COE0EXAM(UD/54/2022-03 (7057013) dated **03.11.2023** issued the Final Answer Key. It was reiterated in the said notification that no further claim from the candidates (either through online or offline mode) in this regard shall be entertained by JKSSB.
- e) That the applicants have purportedly filed a representation on **06.11.2023** after the issuance of the Final Answer Key which otherwise is not admissible in terms of afore-mentioned notification.

Whereas, the applicants have invited the attention of the Hon'ble Central Administrative Tribunal Srinagar Bench towards **Rule 63** of the Jammu and Kashmir Services Selection Board (Conduct of Examination) Regulations, 2022, which is reproduced as under:

"63. The Board, either suo motto or on basis of representation from the candidate(s), may make corrections/rectifications in the result, if any discrepancy is noticed at any stage during or after the selection process."

Whereas, **Rule 63** of Jammu and Kashmir Services Selection Board (Conduct of Examination) Regulations, 2022 is falling under Chapter **XXVI** which provides for



Preparation Of Result. It is not discernable from the perusal of the said rule that any remote inference can be drawn with respect to any correction in the Final Answer Key; and

Whereas, Chapter **XXIV Rule 57** of Jammu and Kashmir Services Selection Board (Conduct of Examination) Regulations, 2022 provides for the **Answer Key**, which is reproduced as under for the sake of convenience:

"On receipt of such objection(s), if it is prima facia found that:

i. The formulation/text of the question(s) is/are admissible to different interpretation because of vagueness, or

ii. The question(s) recorded in the paper is/are incomplete, or

iii. That all options recorded viz-a-viz a question are wrong, or. That more than two options recorded viz-a-viz a question are correct, or

iv. That the option notified in the provisional answer key vis-à-vis; a question is incorrect;

The Controller of Examinations shall in that eventuality refer all these objections to the Subject Matter Experts appointed with the approval of the Chairman for the purpose, and based on the opinion/decision of the concerned Subject Matter Expert to the objection(s) raised and in case the Subject Matter Expert confirms that the formulation/text of the question(s) is/are admissible to different interpretations because of vagueness or that the question(s) recorded in the paper is/are incomplete or that all the options recorded viz-a-viz a question are wrong or that more than two options recorded viz-a-viz a question is correct, the concerned question(s) shall be deleted from the paper and mark(s) allocated thereof shall be individually added to the marks secured by the individual candidates to ensure that the marks allocated for the question paper as a whole remain unchanged. In case the Expert confirms that the option notified in the provisional answer key viz- a-viz a question is incorrect, the same shall be corrected and the correct option shall be incorporated in the final /revised answer key. Based on the decisions/ recommendations of the Expert, the Controller of Examination shall, with the approval of Chairman, notify the Final /Revised Answer Key before the declaration of results and the same key shall be used for assessing the answer scripts. No objection(s)/representation shall be entertained against Revised/Final Answer Key.



In case the setting of question papers is assigned to an agency, the above procedure shall be followed while disposing the objections to answer key."

Whereas, the afore-stated rule position viz: **Rule 63** and **Rule 57** of Jammu and Kashmir Services Selection Board (Conduct of Examination) Regulations, 2022 are defined and distinct, as also, are covered under two separate chapters with demarcated Short Titles viz: **Preparation Of Result** and **Answer Key** respectively, as such cannot be read in conjunction; and

Whereas, in **J&K State Board of Education vs. Feyaz Ahmed Malik**, reported in (2000)3 SCC 59, the Court emphasized that the decision of the expert bodies should be given due weightage by Courts, in as much as, the same consisted of persons coming from different walks of life having wide experience in the field of education and entrusted with the duty of maintaining higher standards of education.

Now therefore, in view of above and with due deference to the order passed by the Hon'ble Central Administrative Tribunal, Srinagar Bench dated 17.11.2023, the representation of the applicants upon consideration is disposed of in light of afore-mentioned rule position, and the same is found factually incorrect, legally not tenable and devoid of any merit, hence rejected.

By Order


27/12/23
Secretary
J&K Services Selection Board
Dated: 27.12.2023


No: JKSSB-LEG/391/2023-03 (E- 7349662)

Copy to the:

1. Commissioner/Secretary to the Government, General Administration Department, Civil Secretariat, Srinagar/Jammu.
2. Mr. Bikram Deep Singh, Ld. Deputy Advocate General, JKSSB, for information.
3. Musaib Ayoub S/o Mohammad Ayoub Lone R/o Nowpora, Arreh, Kulgam, J&K.
4. In-charge website, JKSSB.
5. Order file.