



Government of Jammu and Kashmir
Home Department, Civil secretariat
Srinagar

Subject:- SWP No. 3012/2018 titled Muzaffar Ahmad Rather and others vs. State of J&K and others.

Reference:- i) Order dated 29.03.2019 passed by the Hon'ble High Court at Srinagar SWP No. 3012/2018 titled Muzaffar Ahmad Rather and others vs. State of J&K and others;
ii) U.O No. LD(Opn) 2019/138-Home dated 01.08.2019 of the Department of Law, Justice and Parliamentary Affairs.

Government Order No. 880- Home of 2019
Dated: 01.08.2019

Whereas, vide notification No. 01 of 2013 dated 12.03.2013, the Jammu and Kashmir Fire & Emergency Services Department amongst other non-gazetted posts, advertised the posts of Fireman/Fireman driver. The recruitment to the said posts was started de-novo by the Departmental Recruitment Board of the F&ES, constituted by the Government, vide G.O No. 1048- Home of 2018 dated 09.08.2018 through a Transparent Recruitment Process (TRP). After conduct of physical Standard Tests (PST) and Physical Endurance Tests (PET) through TRP, the successful candidates appeared in the written test in various centres set up across the State. There were allegations of mass copying, use of mobile phones/gadgets and impersonation in the written test in various centres in the valley; and

2. Whereas, a writ petition SWP No. 3012/2018 titled Muzaffar Ahmad Rather and others vs. State of J&K and others, related to recruitment to the posts of Fireman/Fireman Drivers came to be filed in the Hon'ble High Court at Srinagar. The petitioners, inter-alia, contended that in the written tests held on 16/17-12-2018 for the above posts, mass copying by majority of the candidates was writ large and dummy candidates were permitted to sit in the examination. It was further contended that in some examination centres, some candidates were seen using mobile phones; and

3. Whereas, on 29.03.2019, the Hon'ble High Court was pleased to, inter-alia, pass the following direction:

"3.....it is ordered that the petitioners shall file a detailed representation within one week before Principal Secretary, Home Department highlighting their grievances with regard to the fairness of the selection process conducted by the official respondents. The same shall be considered by the Principal Secretary, Home Department....."

4. Whereas, in pursuance of the aforesaid order dated 29.03.2019 of the Hon'ble Court, the petitioners filed a representation in the Home Department, inter-alia, praying that deterrent punishment be awarded to the erring officials, who facilitated mass copying at various centres and further that case of the applicants be considered dispassionately; and
5. Whereas, upon careful examination and scrutiny of the details/information on record, including communication dated 21.12.2018 of the Divisional Commissioner Kashmir, it was found that mobile phones/gadgets were used in some examination centres; there is reasonable suspicion of impersonation in respect of a few candidates; and the mode and manner of the deployment of Superintendent(s)/Supervisors(s) and Invigilator(s) has also not been found to be based on the criteria being adopted by other recruiting agencies. This has resulted in serious doubts over the fairness and transparency of the written examination.
6. Now, therefore, having regard to the above details and the order dated 29.03.2019 passed by the Hon'ble High Court at Srinagar in SWP No. 3012/2018 titled Muzaffar Ahmad Rather and others vs. State of J&K and others, it is hereby ordered that the written examination for the posts of Fireman/Fireman driver, conducted by the Departmental Recruitment Board of the Fire & Emergency Services is cancelled for the aforementioned reasons. It is further ordered that the written examination for the posts of Fireman/Fireman driver in the Fire & Emergency Services Department, shall be conducted afresh.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shaleen Kabra) IAS

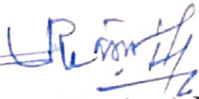
Principal Secretary to Government

No:-Home/F&ES/14/2019/

Dated:- 01.08.2019

Copy to the:-

1. Director, Fire and Emergency Services, J&K, Srinagar;
2. Divisional Commissioner Kashmir;
3. Secretary to the Government, Department of Law Justice and Parliamentary Affairs;
4. Shri Bashir Ahmad Dar, Ld. Sr. Addl. Advocate General, High Court, Srinagar;
5. OSD to Hon'ble Advisor (K);
6. Private Secretary to Chief Secretary for information of Chief Secretary;
7. Private Secretary to Principal Secretary (Home);
8. Government order file (w.2.s.c);
10. File/Master file.

 01.08.19.

(Rashid Raina) KAS

Under Secretary to Government