



**UNION TERRITORY OF JAMMU & KASHMIR  
DIRECTORATE OF HEALTH SERVICES, JAMMU**

(Near MLA Hostel, Indira Chowk Jammu, J&K, Pin: 180001)

E-Mail: [dhsjammu@rediffmail.com](mailto:dhsjammu@rediffmail.com), [dhsjammu@gmail.com](mailto:dhsjammu@gmail.com)

Tel. No: 0191- 2546338, 0191-2549632 Fax No: 0191- 2549632

**Subject:-Representation for compliance of Hon'ble High Court judgment dated 26-04-2018 passed in SWP No:-605/2013 titled Anil Kumar Vs State & Ors and order dated 28-10-2022 passed in RP No. 31/2019.**

**ORDER**

Whereas, the petitioner has filed a fresh representation for implementation of judgment of Hon'ble High Court of J&K and Ladakh passed in SWP No:-605/2013 titled Anil Kumar Vs State & Ors. The Hon'ble High Court has disposed of the writ petition, on 26-04-2018, with the order whose operative portion reads as under:-

*"In view of the submissions made and in the facts of the case, the writ petition is disposed of with the direction to the Director, Health Services, Jammu to consider the case of the petitioner for appointment on the post of Driver against the post which has been kept vacant, by a speaking order, within a period of two months from today."*

Whereas, as per the contents of judgment, the petitioner in the writ petition has prayed for quashment of impugned select list dated 24-02-2013 as well as the direction to the respondent No. 4 (Director Health Services, Jammu) to issue appointment order in favour of the petitioner as Driver in District Cadre Doda in pursuance of the advertisement notice dated. 29-12-2006. The petitioner has contended that he was selected on the post in question and there is a vacancy of a post of Driver in District cadre Doda, however, the order of appointment has not been issued, and;

Whereas, the selection procedure is purely the domain of Service Selection Board which is the creature of the statute entrusted with the mandate of making the selection and recruitment to all Non-Gazetted posts in accordance with law/recruitment rules, referred to it by the various indenting departments of the Government of Jammu and Kashmir from time to time, and;

Whereas, the Service Selection Board on the receipt of the indent of vacancies advertises the posts and finalizes the selection after holding such

*[Handwritten initials and marks]*

tests or examination as may be prescribed under rules. The Service Selection Board after finalizing the select list recommends it to the indenting department for issuing appointment orders in favour of the selected candidates, and;

Whereas, thereafter, after the approval, for issuing appointment orders in favour of the selected candidates, conveyed by the Administrative Department, Health and Medical Education Department i.e. respondent No.1, appointment orders are issued by the Directorate of Health Services, Jammu i.e. respondent No. 4, and;

Whereas, perusal of record in this Directorate has revealed that the selection list for the post of Drivers in pursuance to the Advertisement Notice dated 29-12-2006 received from the Administrative Department vide No:-HD/NG/203/203, dated 27-11-2013 for issuing appointment orders does not contain the name of the petitioner and without the recommendations for appointment from the Service Selection Board and approval from the Administrative Department this Directorate cannot issue the appointment order in favour of the petitioner as it will amount to back door entry.

Now, therefore, the case of the petitioner has been accorded consideration in compliance to Hon'ble High Court orders and found devoid of merit, hence rejected.

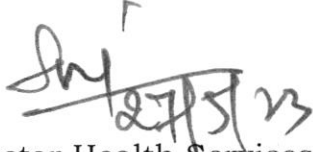
Sd/-  
(Dr. Rajeev K. Sharma)  
Director Health Services,  
Jammu

No:-DHSJ/Legal/ 2686-88

Dated: - 27/05/2022

Copy to the:-

1. Chief Medical Officer Kishtwar for information.
2. Private Secretary to Secretary to Government, Health and Medical Education Department, Civil Secretariat, Jammu/Srinagar for information of Secretary. This takes reference of Administrative Department's letter No:-HD-Lgal/451/2022-02(7062342), dated 11-11-2022.
3. Sh. Anil Kumar S/O Sh. Amar Chand R/O village Pochhal, Tehsil and District Kishtwar for information.

  
Dy. Director Health Services,  
Jammu