



POLICE HEADQUARTERS JAMMU AND KASHMIR

[Establishment Section] 180006

Subject: - SWP No.2636/2015 titled Saima Yousuf VS State and others.

- Ref'nce:-
- i) PHQ Notice issued under endorsement No. Estt/Pros-12/2012(III)/67337-39 dated 30.11.2015.
 - ii) PHQ order No.3588 of 2012 dated 01.12.2015.
 - iii) Court order passed by Hon'ble High Court on 09.12.2015 and 28.12.2015 in SWP No. 2636/2015 titled Saima Yousuf VS State and others.

ORDER NO : 111 OF 2016
D A T E D : // .01.2016

Whereas, pursuant to the advertisement Notification as referred to above 98 candidates of different categories as per Reservation Rules were selected provisionally by the PHQ for the post of Prosecuting Officers, select list of which was notified vide PHQ endorsement No. Estt/Pros-12/2012(III)/67337-39 dated: 30-11-2015 and a waiting list was also issued by virtue of the same Order;

Whereas, formal appointment order came to be issued in respect of the selectees vide PHQ Order No. 3588 of 2015 dated: 01-12-2015;

Whereas, one Ms Saima Yousuf Daughter of Mohammad Yousuf Dar R/O Krangsoo Anantnag approached PHQ through a representation stating therein that she is figuring at S.No.1 in the waiting list of POs issued by PHQ for RBA category. She further stated that one candidate namely Yahya Ibrahim S/O Mohammad Ibrahim Magrey R/O Trahphoo Anantnag has been selected for the post of Prosecuting Officer vide ibid order under RBA category whileas he had applied under OM category. She accordingly requested that since she is figuring at S.No.1 in the waiting list of RBA category may be considered for her selection as PO in place of Shri Yahya Ibrahim;

Whereas, for the same cause, the lady also approached Hon'ble High Court vide SWP No.2636/2015 titled Saima Yousuf VS State and others in which following interim directions were issued by the Hon'ble High Court vide order dated 09.12.2015:-

Notice is waived by Mr.B.A.Dar. Ld AAG, on behalf of respondents 1 to 4. Notice to respondent No.5 only at the expense of petitioner. Meanwhile, appearing respondents to file reply by or before 16.12.2015. Till then selection and consequent appointment of respondent No.5, made in terms of order No.3588/2015 dated 01.12.2015 shall remain in abeyance”.

Whereas, the matter was examined at the Police Headquarters in view of the relevant records regarding the selection of Prosecuting Officers and it was found that the representation preferred by the representee Saima Yousuf was based on facts as the records revealed that the selectee Yahya Ibrahim had infact applied under “OM” category and had participated at various levels of the recruitment process while mentioning his category as “OM” and it was only because of inadvertent clerical mistake that the name of the said selected Yahya Ibrahim figured in the selectees of RBA category. The said Yahha Ibrahim was given a personal hearing at Police Headquarters during which the said candidate admitted that he had applied and competed for the post of Prosecuting Officer under OM category;

Whereas, the Hon’ble Court was accordingly informed that Shri Yahya Ibrahim arrayed as respondent No.5 in SWP No. 2636/2015 titled Saima Yousuf VS State & others has been inadvertently selected/appointed as PO in J&K Police under RBA category vide aforesaid PHQ Order due to clerical error;

Whereas, the writ petition came to be disposed of by the Hon’ble High Court vide order dated 28.12.2015, operative portion of which is reproduced as under:-

“Respondents 1 to 4 shall rectify the error as admitted and consider the case of petitioner for selection and consequent appointment against the post of Prosecuting Officer, in RBA category advertised vide notification No.Estt/Pros-12/2012/38225-27 dated 13.08.2013. Decision with reference to selection and appointment of petitioner shall be taken within a period of one month”.

Therefore, having regard of the aforesaid facts, selection/appointment ordered under RBA category in respect of **Shri Yahya Ibrahim S/O Mohammad Ibrahim Magrey R/O Trahpoo Anantnag** vide PHQ Notice issued under endorsement No. Estt/Pros-12/2012(III)/67337-39 dated 30.11.2015 and PHQ order No.3588 of 2015 dated 01.12.2015 is hereby cancelled abinitio.

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Consequent upon the above, **Saima Yousuf D/O Mohammad Yousuf Dar R/O Krangsoo K.P.Road Anantnag**, Roll No.667-K, who is figuring at S.No.1 of the waiting list in RBA category issued by PHQ vide Notice issued under endorsement No. Estt/Pros-12/2012(III)/67337-39 dated 30.11.2015, is hereby selected/appointed as Prosecuting Officer in J&K Police in the Pay Band-2 of Rs.9300-34800+ Grade pay of Rs.4280/- in continuation to PHQ order No.3588/2015 dated 01.12.2015, subject to the following conditions:-

- 1) *Veracity of the academic qualification certificates is found correct;*
- 2) *Clearance from CID with regard to verification of character and antecedents;*
- 3) *Clearance from Standing Medical Board with regard to medical examination.*

The appointee shall report to IGP Kashmir within a period of 15 days alongwith following original certificates:-

- 1) *Academic Qualification Certificates;*
- 2) *Date of Birth Certificate;*
- 3) *Age and Health Certificate;*
- 4) *State Subject Certificate;*
- 5) *Certificate(s) from General Manager, DIC concerned and Deputy Director Employment concerned to the effect that no loan under self-Employment Schemes has been taken by the candidate.*
- 6) *Verification roll dully filled in duplicate;*
- 7) *An undertaking on affidavit to the effect that in case any adverse report about her character and antecedents is received form CID and other conditions, as enumerated above, the appointee shall have no right to claim the appointment and her appointment as PO in J&K Police shall be deemed to have been cancelled abinitio;*

IGP Kashmir shall get the appointee medically examined through Standing Medical Board and after doing the needful, the appointee shall be sent to SKPA Udhampur for undergoing Basic Induction Course.

The appointee shall remain on probation for a period of three years and her appointment shall take effect with effect from the date she joins the office of IGP Kashmir. The salary of the appointee shall not be drawn and disbursed unless a satisfactory report about her character and antecedents/genuineness of academic certificates is received from concerned quarters for which IGP Kashmir will take-up the matter with IGP CID, J&K/concerned University/Board.

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The inter-se-seniority of the appointee shall be determined in terms of Rule 111 of J&K Police Manual.

This Order shall be subject to the Orders passed in any writ petition or any other legal proceedings pending disposal before the Hon'ble High Court or any other court of law.

Sd/-

(K.Rajendra Kumar)IPS
Director General of Police
J&K-Jammu

Dated: 11.01.2016.

No: Estt/Pros-58/2015/ 2363-68

Copy to the: -

1. IGP Kashmir.
2. IGP CID J&K Jammu.
3. Director, SKPA Udhampur.
4. DoP PHQ. He may inform the Hon'ble High Court accordingly.
This also refers to his UO No.Legal/SWP113/S/15/73607 dated 31.12.2015.
5. SO(IT)/Personnel, PHQ.
6. Saima Yousuf D/O Mohammad Yousuf Dar R/O Krangsoo K.P.Road Anantnag through speed post.
7. Order book/File for record.


AIG(Pers)

for Director General of Police,
J&K-Jammu