



JAMMU AND KASHMIR PUBLIC SERVICE COMMISSION
SOLINA, SRINAGAR / RESHAM GHAR COLONY, JAMMU

Subject: Disposal of Representation of Ms. Muzamil Hafeez in compliance with the directions of the Hon'ble Central Administrative Tribunal, Srinagar Bench, in O.A. No. 712/2026.

ORDER

Dated: 14-07-2026

Whereas, the Hon'ble Central Administrative Tribunal, Srinagar Bench, while hearing O.A. No. 712/2026 titled Muzamil Hafeez v. Home Department & Others, vide order dated 11.07.2026, directed the Jammu & Kashmir Public Service Commission to accord a personal hearing to the applicant on 13.07.2026 and to decide and dispose of the representation by 14.07.2026 in accordance with law and on the merits of the case.

Whereas, in compliance with the aforesaid directions, the applicant appeared before the Commission on 13.07.2026 and was afforded an opportunity of personal hearing by the Secretary, Jammu & Kashmir Public Service Commission. The written representation submitted by the applicant, the submissions advanced during the course of hearing, the relevant recruitment records, the Advertisement Notification, the applicable Government Orders and the statutory provisions governing the recruitment have been carefully examined.

Whereas, the applicant has, inter alia, submitted that she is a person with 40% permanent benchmark hearing disability certified through a valid UDID Certificate and that she qualified the Preliminary Examination for the post of Prosecuting Officer pursuant to Advertisement Notification No. 13-PSC (DR-P) of 2025 dated 10.11.2025. It has been contended that exclusion of persons suffering from Hearing Impairment from consideration under the PwBD category by virtue of Government Order No. 59-JK(SWD) of 2021 dated 15.04.2021 is contrary to the provisions of the Rights of Persons with Disabilities Act, 2016 and the constitutional guarantees contained under Articles 14, 16 and 21 of the Constitution of India. On the aforesaid basis, the applicant has prayed for issuance of admit card and permission to appear in the Main Examination scheduled to commence on 15.07.2026 or, in the alternative, grant of one-time age relaxation for future recruitment.

Whereas, the representation has been examined in the context of the governing legal framework.

Whereas, Advertisement Notification No. 13-PSC (DR-P) of 2025 dated 10.11.2025 specifically provides under Paragraph 6 that three vacancies are reserved horizontally for Persons with Benchmark Disabilities (One Leg, One Arm) as per Government Order No. 59-JK(SWD) of 2021 dated 15.04.2021 issued by the Social Welfare Department. Thus, the advertisement itself incorporates and adopts the disability categories identified by the competent Government for the purpose of reservation in respect of the post in question.

Whereas, Government Order No. 59-JK(SWD) of 2021 dated 15.04.2021 identifies the benchmark disabilities eligible for reservation against various services/posts. Insofar as the post of Prosecuting Officer is concerned, the identified categories do not include Hearing Impairment. The recruitment process initiated pursuant to Advertisement Notification No. 13-PSC (DR-P) of 2025 is, therefore, necessarily governed by the said Government Order.

Whereas, the Jammu & Kashmir Public Service Commission is a constitutional recruiting agency entrusted with conducting selections in accordance with the Recruitment Rules, the applicable statutory provisions, Government Orders and the conditions contained in the advertisement notification. The Commission does not exercise legislative or policy-making functions. Equally, it does not possess adjudicatory jurisdiction to examine the constitutional validity or legality of a statutory provision, executive order or Government policy.

Whereas, it is a well-settled principle of administrative law that an executive authority functioning under a statute is bound to implement the law as it exists and cannot disregard, ignore or refuse to apply an executive order or statutory provision merely because its validity has been questioned by an aggrieved person. Unless a competent Court declares such provision to be unconstitutional or otherwise inoperative, every authority subordinate to the Government remains bound to act in accordance therewith.

Amul. Whereas, the principal relief sought by the applicant, namely treating Hearing Impairment as an eligible benchmark disability for the post of Prosecuting Officer notwithstanding Government Order No. 59-JK(SWD) of 2021, would necessarily require the Commission either to ignore the Government Order or to hold the same inapplicable. Such a course is beyond the statutory competence of the Commission. The power to examine whether Government Order No. 59-JK(SWD) of 2021 is consistent with the Rights of Persons with Disabilities Act, 2016 or the Constitution of India vests exclusively in the Constitutional Courts and other competent judicial forums and not in the recruiting agency.

Whereas, the applicant has also requested issuance of an admit card or a manual provisional permission to enable her to appear in the Main Examination. Since the applicant does not fall within the category of benchmark disabilities identified as

eligible under the applicable Government Order forming part of the recruitment notification, the Commission has no legal authority to permit participation in the examination contrary to the notified eligibility conditions. Any such action would amount to modifying the terms of the advertisement and the applicable Government Order, which the Commission is not empowered to do.

Whereas, the alternate prayer seeking grant of one-time age relaxation for future recruitment also cannot be acceded to. The Commission possesses no independent authority to grant relaxation in age or eligibility conditions except where such relaxation is specifically provided under the applicable Recruitment Rules or Government Orders.

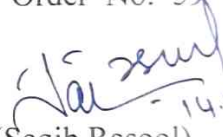
Accordingly, upon consideration of the representation, the submissions made during the personal hearing, the applicable Advertisement Notification, Government Order No. 59-JK(SWD) of 2021 dated 15.04.2021 and the governing legal framework, the Commission finds no legal basis to grant the reliefs sought in the representation.

The representation is, therefore, rejected.

It is, however, clarified that this order has been passed solely in compliance with the directions contained in the order dated 11.07.2026 passed by the Hon'ble Central Administrative Tribunal, Srinagar Bench, in O.A. No. 712/2026. The Commission has not expressed any opinion on the validity of Government Order No. 59-JK(SWD) of 2021.

No: JKPSC-Leg/111/2026 (7934114)

Dated 14-07-2026


(Saqib Rasool)

Asstt. Legal Remebrancer

Copy for information to the:

1. Controller of Examinations, J&K Public Service Commission.
2. Private Secretary to the Hon'ble Chairman, J&K Public Service Commission, for information of the Hon'ble Chairman.
3. Personal Assistant to the Secretary, J&K Public Service Commission.
4. Concerned candidate.
5. Office file.