



Subject: Consideration/Speaking Order in compliance of order dated: 03.09.2024 passed by the Hon'ble High Court of Jammu Kashmir and Ladakh (at Srinagar) in WP (C) No. 2000/2024 (CM No. 5369/2024) titled *Basit Khursheed Vs. UT of J&K and Others*.

NOTIFICATION NO. 99-JKBOPEE of 2024

Dated: 08-09-2024

Whereas, one Basit Khursheed S/O Khursheed Ahmad Beigh R/O Jadipora Khalsa Kulgam presented WP(C) No. 2000/2024 (CM No. 5369) titled *Basit Khursheed Vs. UT of J&K and Others* before the Hon'ble High Court of Jammu Kashmir and Ladakh (at Srinagar) and averred and prayed inter-alia as under (*verbatim*):

"...That the petitioner is aggrieved of impugned Notification No. 086-BOPEE of 2024, dated: 27.08.2024, whereby and wherein the candidates who failed to submit/clear their deficient category certificate have been converted into Open merit category.

It is therefore most respectfully prayed that the Hon'ble Court may kindly be pleased to

- (a) Allow the present writ petition,*
- (b) Quash impugned notification No- 086-BOPEE of 2014, dated 27.08.2024, whereby and wherein the candidates who failed to submit/ clear their deficient category certificate have been converted into open merit category to the extent of petitioner as the petitioner belongs to the EWS category having remarks "Form deficient".*
- (c) Direct the respondents to consider the candidature of the petitioner in the EWS category as the petitioner applied under the EWS category for the admission to NEET UG courses (MBBS/BDS for the session 2023-24.*
- (d) Any other order or direction which this Hon'ble Court may deem fit or proper in the facts and circumstances of the case."*

Whereas, the petition came up for hearing on 03.09.2024 and on the said date, the Division Bench of the Hon'ble High Court has been pleased to order as under (*verbatim*):

"..Learned Counsel for the petitioner is requested to file an appropriate application in order to make the last person in the merit list availing EWS benefit, as respondent in the case. Let the application be filed before the next date of hearing.

List this case on 9th September, 2024, within Item No. 1 to 5.

In the meantime, within five days from the date of this order, the authorities shall decide the case of the petitioner considering the writ petition as his representation....”

Whereas, in compliance of the above quoted orders of the Hon'ble High Court, the matter was considered in light of the records, rules/guidelines governing the field; **and**

Whereas, from the records it is revealed that in pursuance of the schedule as fixed by the Medical Counseling Committee, Ministry of Health and Family Welfare, the Jammu and Kashmir Board of Professional Entrance Examinations (J&KBOPEE) notified vide. Notification No. 068-BOPEE of 2024 dated 09.08.2024, that the candidates who have appeared in NEET, UT 2024 under All India Quota and whose Roll Numbers do not figure in Annexure A of the Notification but actually belong to UT of J&K/Ladakh and are willing to participate in the counselling for seats in the UT of J&K shall have to submit all the relevant documents i.e NEET Score Card, Domicile certificate physically at the BOPEE Office Jammu/Srinagar up to **11.08.2024**. Further ***the candidates in their own interest are advised to remain in constant touch with the website regularly and to keep all the relevant documents ready for registration, whenever asked for,***
and

Whereas, subsequently vide Notification No. 078-BOPEE of 2024, dated: 18.08.2024, it was published that the candidates belonging to the UT of J&K/Ladakh who have qualified the NEET-UG 2024 having scored the cut-off marks prescribed by the NTA and whose names figure in Annexure-A of the notification No.68 BOPEE, dated: 09.08.2024 and also the candidates whose names were not available in the said annexure but are domiciles of J&K/Ladakh and have submitted their documents in response to the aforementioned notification under reference forming Annexure –A to this notification are informed to register themselves and upload the documents like NEET UG score card, 10+2 Marks Card, Domicile certificate, **Category Certificate** etc. w.e.f **19.08.2024 to 23.08.2024; and**

Whereas, in the said Notification dated: 18.08.2024, it was expressly stated that:

3. *No under Process certificates shall be entertained.*
4. *The Category Certificates issued only upto the last date of registration shall be entertained; and*

Whereas, from the records it is revealed that in response to the J&KBOPEE Notification No. 078-BOPEE of 2024, dated: 18.08.2024, the petitioner Basit Khursheed uploaded an Economically Weaker Section (EWS) certificate reflecting date of issuance as 03.08.2023; **and**

Whereas, S.O. 11, dated: 6th January 2022, read with SRO 518, dated 2nd September 2019, provides as under (*verbatim*):

“ In exercise of the powers conferred by section 23 of the Jammu and Kashmir Reservation Act, 2004, the Government of Jammu and Kashmir hereby makes the following amendments in the Jammu and Kashmir Reservation Rules, 2005, namely:-

‘In rule 24, for the words and sign “the certificate shall be renewable after following the procedure prescribed for issuance of such certificates”, the words and sign “in the case of Economically Weaker Sections (EWS) for a period of one year from the date of its issuance. The certificate so issued shall be renewable after following the procedure prescribed for issuance of such certificate” shall be substituted.

This notification shall be deemed to have come into force w.e.f 1st November, 2019 i.e the date notification SRO 518 of 2019, dated: 02.09.2019 has come into force.; and

Whereas, upon scrutiny of the documents, in light the rules governing the field it was found that the petitioner did not possess valid and effective Economically Weaker Section (EWS) certificate, neither on the date of issuance of Notification No. 078-BOPEE of 2024, dated:09.08.2024, nor on the cutoff date **on 23.08.2024 as the certificate uploaded by the petitioner had lost its validity on 03.08.2024** and no new/renewed

(EWS) Certificate was produced by him upto the cutoff date i.e. 23.08.2024;
and

Whereas, as mentioned above it had been clearly notified vide Notification No. 078 -BOPEE, dated: 09.08.2024, that:


No under Process certificates shall be entertained.

The Category Certificates issued only upto the last date of registration shall be entertained; and

Whereas, accordingly in complete conformity with rules/guidelines on the subject, and after providing the petitioner and similar other candidates ample opportunity to furnish the deficient documents viz Valid Economically Weaker Section (EWS) certificate, and upon their failing to do so, they were treated as General Category Candidates by virtue of Notification No. 086-BOPEE, dated: 27.08.2024; **and**

Whereas, in furtherance of schedule and in compliance of the rules/guidelines on the subject, the Provisional Selection list for MBBS/BDS 2024 has been issued vide Notification No. 093-BOPEE of 2024, dated: 03.09.2024 and the provisionally selected candidates have been recommended to various professional colleges for admission and the provisionally selected/recommended candidates were directed to report to their respective colleges for admission up to 06.09.2024 (till 4.00 pm) subject to the production of their original certificates and verification of their genuineness ;

Now, therefore, in view of the above, the claim of the petitioner is found to be devoid of any merit and is hence rejected.


8.9.24
Controller of the Examinations
J&K BOPEE

No. BOPEEE/EXAM/33/2024
Copy to the:

Dated: 08.09.2024

1. Commissioner/Secretary to the Government, ARI & Trainings Department, J&K Civil Secretariat, Jammu/Srinagar for favour of information.

2. Secretary to Government, Health & Medical Examination Department, J&K Civil Secretariat, Jammu/Srinagar for favour of information.
3. Secretary, J&K BOPEE for information.
4. Members, J&K BOPEE for information.
5. Deputy Legal Remembrancer, J&KBOPEE for information.
6. Private Secretary to the Chairperson, J&KBOPEE for kind information of the Chairperson.
7. Basit Khursheed S/O Khursheed Ahmad Beigh R/O Jadipora Khalsa Kulgam for information.
8. Records.