



Government of Jammu and Kashmir
Health & Medical Education Department
Civil Secretariat, Srinagar/ Jammu

Subject: Consideration order in compliance to order dated 01.09.2022 passed in O.A. No. 1187/2022-titled Dr. Tarseem Lal Mottan Vs UT of J&K and Ors.

Government Order No.891-JK (HME) 2023
Dated: 31-10-2023

Whereas, the applicant (Dr. Tarseem Lal Motten) applied for the post of Associate Professor in the Department of Orthopaedics in Government Medical College, Kathua through Lateral Entry and participated in the selection process. However, the candidature of the applicant was rejected by the Selection Committee on the ground that the applicant did not possess the requisite teaching experience prescribed under rules in vogue; and

Whereas, the applicant filed an OA in the Hon'ble Central Administrative Tribunal, Jammu praying that his representation dated 27.09.2021 may be decided; and

Whereas, the Hon'ble Central Administrative Tribunal, Jammu Bench at Jammu on 01.09.2022 disposed of the O.A. No. 1187/2022- titled Dr. Tarseem Lal Mottan Vs UT of J&K as under:

"7. I have considered the submission made by the Ld. Counsels for both the sides and perused the material on record. Without commenting on the merits of the case, the O.A. is disposed of with direction to the respondent to consider and decide the pending representation of the applicant dated 27.09.2021 by passing a reasoned and speaking order, as per relevant rules and regulations, within a period of six weeks from the date of receipt of a certified copy of this order.

A copy of the order shall be communicated to the applicant within a week thereafter."

Whereas, the representation of the applicant has been considered and it has been found that the prescribed qualification for the post of Associate

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Professor as prescribed in Government Order No. 53-HME of 2019 dated 16.01.2019 for one time absorption by way of lateral entry of faculty members is as under:

Designation	Mode of Recruitment
Associate Professor	<p>One time absorption by way of lateral entry from:-</p> <p>(a) Government Medical Colleges by selection from amongst persons having a minimum of 09 years teaching experience, out of which four years should be as Assistant Professor as a full time faculty member in the concerned discipline in a medical college with minimum of two original research publications in indexed/ national journals accepted/ published as first/ corresponding author.</p> <p style="text-align: center;">Or</p> <p>(b) By selection from Health Department from amongst the Senior Consultants/ Consultants possessing a post graduate medical degree in the relevant subject and his/her working in the concerned specialty in a minimum 300 bedded hospital and having more than 10 years service, with two original research publications in indexed/ national journals as first/ corresponding author.</p> <p>Provided that in case of research publications published before 5th June, 2017, first/second author shall also be considered in each of the above two categories.</p>
Criteria prescribed for considering such selection	
For Teaching experience/ Minimum required Service	60 Points (30 points for minimum required teaching experience/ minimum required service and 03 points for every additional year, subject to a maximum of 30 points)
For Research Publications	30 Points (15 Points for required number of publications and 03 points for every additional publication, subject to a maximum of 15 points)
For Higher qualification (DM/ MCH only)	10 Points

Whereas, the experience possessed by the petitioner is; Registrar 3 years 6 months and 9 days; Lecturer 6 years 4 days and Assistant Professor 9 months. Thus the applicant lacked the requisite experience of 4 years as Assistant Professor; and

Whereas, in view of the supposed clarification from the Medical Council of India (MCI), the applicant Dr. Tarseem Lal Motten is stated to be eligible for the post of Associate Professor in Medical College in India as per criteria prescribed in Regulations on Minimum Qualification for Teachers in Medical Institutions, 1998. However, the said clarification has been given on the application of the applicant himself whose contents are not known. Besides,

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unlike Regulations on Minimum Qualification for Teachers, the selection criteria in the case in hand, specifically prescribed 4 years experience as Assistant Professor which the applicant admittedly did not fulfill; and

Whereas, the petitioner has not challenged the prescription of experience and has participated in the selection process without any demur but once he failed to qualify, turned around and now challenged the selection criteria; and

Whereas, once the petitioner and similar other candidates were not held eligible, the advertisement got automatically closed and in the meantime the feeding cadre candidates became eligible who are now holding the post on incharge basis, therefore, if the petitioner is held eligible then not only him but many other candidates would also have to be re-considered on similar lines which would radically change the selection criteria besides the claims of the feeding cadre doctors would also be defeated who by now have acquired eligibility for the post in question as such filing of the post by way of lateral entry is not advisable at this stage as the post in question has been consumed by way of promotion of Dr. Rishabh Gupta on incharge basis though the same is yet to be confirmed due to stay order dated 17.11.2022 passed in OA 1566/2022 filed by the applicant.

Now, therefore, the claim of the applicant has been considered in compliance to order dated 01.09.2022 passed in O.A. No. 1187/2022-titled Dr. Tarseem Lal Mottan Vs UT of J&K and Ors in light of rules in vogue and found devoid of any merit and, hence, rejected.

By Order of Government of Jammu & Kashmir.

Sd/-

(Bhupinder Kumar) IAS

Secretary to the Government,
Health & Medical Education Department

No. ME-leg/132/2022-02 (CC: 7085210)


Dated: 31-10-2023

Copy to the:-

1. Principal Secretary to the Lieutenant Governor, J&K, Srinagar.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Director SKIMS, Soura, Srinagar.
4. Principal Government Medical College Kathua.
5. Director, Archives Archaeology and Museums, J&K.

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6. OSD with Advisor (B) (Incharge, Health and Medical Education).
7. PS to Secretary to the Government, H&ME Department.
8. Dr. Tarseem Lal Motten, Assistant Professor, Department of Orthopedics, SKIMS Bemina, Srinagar.
9. Incharge Website, H&ME Department.
10. Government Order file/Stock file.


(Waqar Talib) JKAS
Under Secretary to the Government
Health & Medical Education Department