

GOVERNMENT OF JAMMU AND KASHMIR
SCHOOL EDUCATION DEPARTMENT,
CIVIL SECRETARIAT JAMMU/KASHMIR
(Legal Section)

Subject: OA No:314/2021 titled Jasmeena Rahim V/S Union Territory of J&K and others.

Government Order No: 1344 - Edu of 2021

D a t e d: 16 - 08 - 2021

Whereas, vide order No. 506-Edu of 2018 dated 6-04-2018, the applicant was transferred on mutual grounds on deployment basis from zone Shadimarg from District Kulgam to District Pulwama for a period of 2 years and on the expiry of the said order, the applicant again approached this Department for extension of her deployment; and

Whereas, in the meantime, pending consideration of her claim, the applicant approached the Central Administrative Tribunal, Jammu. The Hon'ble Court disposed of the plea of the applicant with the following directions:-

"Looking to the limited prayer made by learned counsel for the applicant and considering the arguments advanced, we deem it appropriate to dispose of present OA with a direction to the respondents to decide the representations of the applicant dated 17-02-2020 and 30-01-2021 by passing a reasoned and speaking order in accordance with rules and under intimation to the applicant, within two weeks from today. Till then, respondents shall not disturb the applicant from her present place of posting. In terms of above directions, OA is disposed of. It is made clear that we have not expressed any opinion on merits of the case"; and

Whereas, the representations of the applicant dated 17-02-2020 and 30-01-2021 were examined in the Department; as per the orders of Hon'ble High Court; and

Whereas, after its examination it was observed that in terms of Government Order No.27-Edu of 2010 dated:- 1201-2010, ReT teachers cannot be transferred even after regularization as these ReTs have their appointment as school specific. Also, the appointment of ReT teachers has been made only from amongst the candidates of the particulars locality falling within the prescribed vicinity of a school as such the same also justifies the non transfer of the appointees to any other school; and

Whereas, in terms of Government Order No.20-Edu Dated:- 22-01-2019 point no.3(a) states that even after regularization of ReT into RRet (Non teacher grade-II) their service condition shall be same as that of General Line teacher with the exception that they shall not be transferable except on mutual transfer basis to the post of other teacher Grade-II/RRets/Rets in exceptional circumstances; and

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Whereas, as per the available records the applicant has been deployed on mutual basis for the period of two years but now she has applied in a individual capacity. Also, nothing warrants to treat her case as an 'exceptional circumstances'.

Now, keeping in view the above facts and in compliance to the directions of the Hon'ble CAT, the claim of the petitioner has been examined and considered and found devoid of any merits, hence rejected. The applicant is, therefore, directed to report to her original place of posting with immediate effect.

By Order of the Government of Jammu and Kashmir.

Sd-

(B.K.Singh)

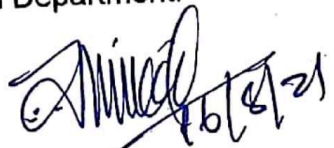
Principal Secretary to the Government
School Education Department

Dated: 16-08-2021

No: Edu-LGL0Kmr/1/2021-01

Copy to the:-

1. Joint Secretary, J&K, Ministry of Home Affairs, GOI New Delhi.
2. Director School Education, Kashmir.
3. OSD to Advisor (B) to Hon'ble Lt. Governor.
4. Concerned Chief Education Officer(s).
5. PS to Principal Secretary to Government, School Education Department.
6. I/C Website.
7. Government order file.



(Javid Ahmed)

Additional Secretary to Government
School Education Department



16/8/2021