



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

Subject: SLP No. 22828/2013 titled Rajni Singh V/S State and others.

Government Order No: 40 - Edu of 2017

D a t e d: 27 - 01 - 2017

Whereas, one Smt. Bandana Devi W/O Vimal Singh, resident of village Suchani, Tehsil and District Samba, was engaged as 3rd Teacher in Government Primary School, Mohargarh, Education Zone Vijaypur vide order No. ZEO/V/634-61 dated 17th January 2004; and

Whereas, Zonal Education Officer, concerned disengaged her vide No. ZEO/V/951 dated 18th October, 2004 on the basis of report of the VLC that she remained absent from duty w.e.f. 1st April, 2004 to 31.5.2004; and

Whereas, consequent upon the disengagement of Smt. Bandana Devi, ZEO, Vijaypur issued engagement order in favour of Smt. Rajni Singh on the resultant vacancy in the said school vide No. ZEO/V/975-96 dated 1.11.2004; and

Whereas, Smt. Bandana Devi challenged the disengagement order through SWP No: 1552/2006 before the Hon'ble High Court and on 20.04.2010, the Hon'ble High Court quashed the disengagement order issued by Zonal Education Officer vide No. ZEO/V/951 dated 18th October, 2004; and

Whereas, Smt. Rajni Singh challenged the order dated 20.04.2010 passed by the Hon'ble Single Bench of the High Court before the Hon'ble Division Bench by filing LPA (SWP) No. 38/2010, the said LPA came to be dismissed on 16.04.2013; and

Whereas, Smt. Rajni Singh aggrieved of the order dated 16.04.2013 passed by the Hon'ble Division Bench approached before the Hon'ble Supreme Court by filing SLP No. 22828/2013 and the said SLP was dismissed on 02.08.2013 with the following observations:-

"While dismissing the special leave petition, we make it clear that the petitioner shall be free to make representation to the State Government to accommodate her on some other post.

[Handwritten signature]

If any such representation is made, then the same shall be considered sympathetically by the competent authority and an appropriate order be passed within three months".

Whereas, pursuant to the observations of the Hon'ble Supreme Court, Smt. Rajni Singh has filed representation stating therein to consider her against one post of 3rd teacher lying vacant in Government. Middle School, Parthyal Mohargarh Zone Vijaypur; and

Therefore, the representation of the petitioner has been examined in light of observations of the Hon'ble Supreme Court, and it has been found that since it is pre-requisite for the engagement of 3rd teacher, there must be an advertisement notice, the minimum qualification must be graduate and the candidate should belong to the same village, so without following the due process of rules governing the field, the engagement of petitioner as 3rd Teacher shall be against the rule of equity, hence the representation is rejected.

By Order of the Government of Jammu and Kashmir.

Sd/-
(Shaleen Kabra)
Principal Secretary to Government
School Education Department
Dated: 27 -01-2017

No: Edu/Legal/J/Misc/158/2016

Copy to the:-

1. Director School Education, Jammu for information and necessary action.
2. Chief Education Officer, Samba
3. Pvt. Secretary to Principal Secretary to Government, School Education Department.
4. Incharge Website
5. Rajni Singh W/O Sh. Bahadur Singh, R/O Village Mohargarh, Tehsil and District Samba.
5. Govt. Order file (w.3.s.c)
6. Stock file.



(Naseema Nazir)
Under Secretary to Government
School Education Department