



Government of Jammu and Kashmir
School Education Department
Civil Secretariat, Jammu/Srinagar

Subject: Contempt (SWP) No. 468/2016 in SWP No. 2150/2013, CMA No. 3160/2013 titled Rajesh Kumar Vs State of J&K & Ors.

Government Order No. 563 – Edu of 2018

Dated: 16 . 04 . 2018

1. Whereas, one Mr. Rajesh Kumar (B.Sc, LLB, M.Sc.Computer Science, M.A. (Sociology), B.Ed.), working as Master, MS Dalher Morh, Zone Ramnagar, has approached to the Hon'ble High Court by way of SWP No. 2150/2013, CMA No. 3160/2013 in which he has challenged the promotion of incumbents to the posts of Lecturer (Computer Science) made vide Government Order No. 32-Edu of 2009, dated 14.01.2009, and Government Order No. 151-Edu of 2009, dated 02.03.2009; and
2. Whereas, the Hon'ble Court vide order dated 07.10.2013 observed that the petitioner's contention is that the said promotions have been made in violation of Jammu and Kashmir Education (Gazetted) Recruitment Rules, 1992 issued vide SRO 83, dated 07.04.1992. Further, the Recruitment Rules provide for Masters Degree in Computer Sciences for direct recruitment as well as promotion to the posts of Lecturer in Computer Sciences. However, respondent No. 01 (Commissioner/Secretary, School Education Department) had made promotions to these posts in respect of the persons who do not possess the requisite qualification. The Hon'ble Court disposed of the instant writ petition on 07.10.2013, with the following direction: -

“This writ petition is, therefore, disposed of by providing that respondent No. 1 shall accord consideration to the representation of the petitioner and take appropriate action as per the applicable services rules within a period of one month from the date copy of this order is provided to him. Petitioner shall provide copy of this order along with copy of the writ petition to respondent No. 1 within five days.”

3. Whereas, the order of the Hon'ble High Court dated 07.10.2013 has been considered in the Department and it was observed that the qualification prescribed for appointment by promotion/direct recruitment to the posts of Lecturer, in the Recruitment Rules issued vide SRO 83 in the year 1992 and subsequently vide SRO 401 in the year 2010, is as under: -

“Masters Degree in the relevant subject”

4. Whereas, the incumbents in Government Order No. 32-Edu of 2009, dated 14.01.2009, and Govt. Order No. 151-Edu of 2009, dated 02.03.2009, figured in the seniority list of PG Masters/Teachers issued vide Government Order No. 04 – Edu of 2009, dated 01.01.2009 read with Addendum issued on 02.03.2009, having PG degrees in the relevant subject of Computer Science, and were accordingly promoted as Lecturer (Computer Science) in order of seniority.

5. Whereas, Department has issued placement/posting order infavour of 08 (eight) PG Masters/Teachers as I/C Lecturers in the discipline of Computer Science vide Government Order No: 32-Edu of 2009 dated: 14.01.2009, strictly on the basis of seniority/eligibility and other reservations rules in vogue. However, the name of the petitioner did not figured in the said seniority list, hence not been considered.

6. Now, therefore, in light of the above position of the case and in compliance of Hon'ble High Court directions issued in the instant case, after according consideration to the case in hand, the contention of the petitioner is not justified as per standing rules and his plea is devoid of any merit, hence rejected.

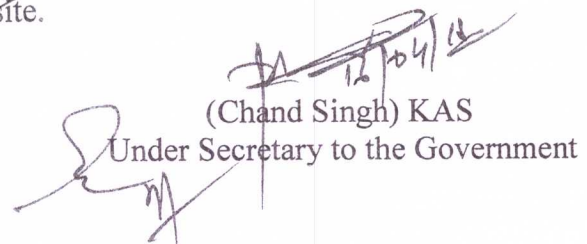
By order of the Government of Jammu and Kashmir.

Sd/-
(Farooq Ahmad Shah) IAS
Secretary to the Government

No: Edu/L/J/Misc/249/2013-part-file
Copy to the:

Dated: 16 . 04 . 2018

1. Director, School Education, Jammu.
2. Chief Education Officer concerned .
3. Private Secretary to the Hon'ble Minister for Education for information of the Hon'ble Minister.
4. Private Secretary to the Hon'ble Minister of State for Education for information of the Hon'ble Minister.
5. Private Secretary to Secretary to the Government, School Education Department.
6. Concerned.
7. P.A. to Additional Secretary (A/M), School Education Departmen.
8. Govt.Order file (w.3.s.c.) / I/C Website.


(Chand Singh) KAS
Under Secretary to the Government