



Government of Jammu and Kashmir
School Education Department
(Gazetted Section)
Civil Secretariat, Jammu

Subject:- Cancellation of placement of Mr. Muneer Hussain Zargar as I/C Lecturer (Mathematics) under ST category and subsequent placement as I/C Lecturer (Mathematics) under open category.

Reference :- Letter No. DSEK/Estt-I/1711 dated 28.11.2017 from Director School Education, Kashmir.

Government Order No. 112 -Edu of 2018
D a t e d. 01-02-2018

Whereas, one Mr. Muneer Hussain Zargar was appointed as Teacher on 11-02-1988 and joined in the service on 01-03-1988 with Educational qualification of B.Sc. Subsequently, Sh. Zargar passed his Post Graduation in the discipline of Mathematics on 16-02-1991 and got promoted as Master w.e.f 04-06-2005; and

Whereas, Mr. Muneer Hussain Zargar was placed as I/C Lecturer in the discipline of Math w.e.f 03-10-2005 under ST Category vide Govt. Order No: 655-Edu of 2005, dated: 03.10.2005. Later, it was found that the official does not belong to ST category but has OSC category and this placement against ST category has been done by the School Education Department inadvertently; and

Whereas, subsequently, the Administrative Department in School Education Department ordered regularization orders of various I/C Lecturers in the discipline of (Math) on the basis of the Cabinet Decision No: 225/26/2011, Dated: 16-12-2011 were issued vide Govt. Order No: 236-Edu of 2013 dated 07-03-2013; however, Mr. Muneer Hussain Zargar was not considered for regularization under ST category due to the fact that his placement under ST category was not found valid and he did not fall in the consideration zone under OM category for his regularization; and

Whereas, Mr. Muneer Hussain Zargar represented before the Administrative Department for his regularization and his representation was forwarded to the Director School Education Kashmir vide School Education Department letter No. Edu/V/33/2013 dated 17-07-2014 for furnishing his report in the matter; and

Whereas, vide letter No. Estt-1/6856 dated 03.09.2014 of DSEK, revealed that a complaint had been lodged against Mr. Muneer Hussain Zargar which was under investigation in the Vigilance Organization and on the instance of Vigilance Organization in terms of their communication dated 30-12-2014, a Committee was constituted by Director, School Education, Kashmir, comprising of Principle HSS Anantnag and Principle, HSS, Sallia Anantnag (ADVOs) to conduct deep rooted enquiry in to the allegations leveled against the official in question along with their recommendations/observations. In compliance to these orders of Director, School Education, Kashmir, the Two-member Committee so constituted furnished their report to the Director, School Education Kashmir vide their communication No: DVEO-A/99/2015 Dated: 29-04-2015 which is reproduced as under:-

"In order to conduct an enquiry in the fake certificate case of one Mr. Muneer Hussain Zarger, the undersigned paid a visit to HSS Achabal and shared the contents of the complaint with the 'accused'. He said that while furnishing his documents for promotion he had included a certificate of Social Caste Category (OSC) (Mirasi sub-category) duly issued by Tehsildar, Anantnag as per Government norm of item third SRO 272 dated 15-07-1985. As a result, he said, in the list of promotes of 2005, he too got promoted in the discipline of Mathematics under Govt. Order No: 655-Edu of 2005 dated 03-10-2005, figuring at serial No. 27 but under the quota of Scheduled Tribe (ST) as against Social Caste (OSC) . The DSEK implemented the order vide its order No: 242 DSEK of 2005 dated 08-11-2005 and adjusted him in HSS Achabal as I/C Lecturer Mathematics. He said that his promotion under Scheduled Tribe was something he noticed and made to the Honorable Secretary, Education Department Civil Secretariat Jammu and Kashmir, who in turn, corresponded with the worthy Director School Education Kashmir, Srinagar vide No:Edu/V/33/2013 dated 17-07-2014. However, after two years when the time of regularization neared, he was, to his utter shock, dropped from the list of regularized Lecturers. Languished, he again approached Directorate of School Education Office, Srinagar to know the veracity of his being skipped from the regularized list. He was told that his promotion on ST basis was invalid and that he was under the scanner of the Vigilance Organization Kashmir (VOK) Government of Jammu and Kashmir.

Coming to know how a typographical error could lead to his being skipped from the regularized list, he gave in an affidavit that he had only taken monetary benefit/s of the promotion till the time he came to know about his having been promoted under a different category other than his own. He said he was ready to repay the same benefits he had received as a result of the promotion and was also ready to forfeit his promotion under the ST quota- which he had been as per him, inadvertently promoted under, as against OSC quota. He requested that a lenient view may kindly be taken in his favour in the case and that he be considered for promotion in the bonafide category he possesses; which is OSC and not ST.

The undersigned feel that since the 'accused' admits that he had been neglectful for some time and that he is ready to be stopped of the benefits- both monetary as well as designatory, it is, therefore, recommended that a lenient view may kindly be taken in his favour since it is not clear if the typographic error as advertent on his part or had been so inadvertently. Also, the 'accused' may kindly be considered for promotion in his bonafide quota which is OSC and not ST."

Whereas, the Director, School Education, Kashmir, vide his communication bearing No: DSEK/Estt-I/1711, Dated: 28-11-2017 has also intimated as under:-

"It is submitted that an enquiry was conducted by 02 Member Committee vide this office No: DSEK/IMW/ANT/2015/5076-08 dated 31.03.2015. The said Committee furnished its report which reveals that the incumbent was placed as I/C Lecturer Mathematics vide Order No. 655-Edu of 2005, dated 03.10.2005 under ST Category and was posted to HSS Achabal vide this office Order No: 242 DSEK of 2005 dated 08.11.2005. The report also said that the I/C Lecturer made a representation to this effect that he does not belong to ST category and report vide letter NO. referred to above, was sought on the compliant as well as representation.

Further, the Lecturer in his statement through an affidavit tendered by him stated that as soon as he came to know the reasons for not regularizing his services being

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benefitted under ST category. Further, he stopped to take the benefit of charge allowance and is ready to repay the arrears and forfeit the promotion if it is proved as per him and inadvertently promoted under ST category against OSC category; and

The enquiry Committee has recommended to take a lenient view in favour of Mr. Muneer Hussain in the placement as I/C Lecturer Mathematics, as it could not be established whether his placement against ST quota is a typographic error or was advertent on his part and to consider him for promotion in his confined quota which is OSC and not ST.”

Whereas, in view of above position and in light of the documents/report furnished by Director, School Education, Kashmir, it emerged that Mr. Muneer Hussain Zargar was elevated as I/C Lecturer under ST category instead of OSC category inadvertently by Adm. Deptt. and he has not been regularized as yet. Therefore, the error committed at the level of Adm Deptt. needs to be rectified by cancelling his placement as I/C Lecturer in the discipline of Math under ST category vide Govt. Order No: 655-Edu of 2005, Dated: 03-10-2005 and by recovering the charge allowance or other financial benefits, taken by him. Mr. Muneer Hussain Zargar, has now become eligible to be placed as I/C Lecturer, Math, in normal course under open merit (OM) category as per Seniority/merit and eligibility and he cannot be considered under OSC category at this relevant point of time in terms of the present guidelines of GAD/ Supreme Court Orders. For this purpose, his name is required to be incorporated in the latest/ updated Final Seniority list of PG Masters/Teachers in the discipline of Math (issued vide Govt. Order No: 463- Edu of 2017, Dated: 21-07-2017 at appropriate place) with reference to his Service particulars. This will pave way to redress the grievance of Mr. Muneer Hussain Zargar and also rectify the error/commission which has been inadvertently made by Administrative Department.

Now, therefore, in view of position stated above and on the recommendations of Director School Education, Kashmir, sanction is hereby accorded to the:-

- a) ***Cancelation of placement order as I/C Lecturer in respect of Mr. Muneer Hussain Zargar, Master, in the discipline of Math ordered vide Govt. Order No: 655-Edu of 2005, Dated: 03-10-2005 under ST category figuring at S.No. 27 in the Annexure “A” to the aforementioned order w.e.f 03-10-2005.***
- b) ***Recovery by Director, School Education, Kashmir of all dues, if any, drawn by the said officer in the shape of charge allowance or any other financial benefit from the date of joining as I/C Lecturer Math to the date of issuance of this order;***
- c) ***Re-fixation of inter-se-seniority of Mr. Muneer Hussain Zargar, Master, in the updated final Seniority list of PG Masters/Teachers in the discipline of Math issued vide Government Order No. 463-Edu of 2017 dated 21.07.2017 at S.No. “158- A” between 158&159 (i.e. Pran Nath Bhat and Mohammad Yousuf Lone, RBA) on the basis of his having been appointed as Teacher on 01-03-1988 passing PG in Math on 16.02.1991 and having got promoted as Master on 04-06-2005.***
- d) ***Placement of Mr. Muneer Hussain Zargar (Master) as I/C Lecturer in the discipline of Math in his own pay and grade for a period of six months of till the post is filled up on regular basis under rules through DPC/PSC whichever is earlier, with the benefit of charge allowance as admissible under rules in normal course under open category w.e.f 11-08-2017 i.e the date when the immediate junior/senior counterparts were placed as I/C Lecturer Math under open category vide Govt. Order No: 532-Edu of 2017, Dated: 11-08-2017, on the same terms and conditions as laid down in the aforementioned Govt. Order;***

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Consequent upon his placement as I/C Lecturer Mathematics, Mr. Muneer Hussain Zargar is directed to report to Director, School Education, Kashmir for his further adjustment/Posting.

The placement shall be subject to any writ petition/court case (s), pending against the official before Court of Law.

By order of the Government of Jammu and Kashmir.

Sd/-

(Farooq Ahmad Shah) IAS
Secretary to the Government
School Education Department

Dated. 01.01.2018

No.Edu/V/199/2017

Copy to the:-

1. Director, School Education, Kashmir.
2. Private Secretary to the Hon'ble Minister for Education for information of the Hon'ble Minister.
3. Private Secretary to Hon'ble Minister of State for Education for information of the Hon'ble Minister.
4. Private Secretary to Secretary to the Government, School Education Department.
- ✓ 5. I/C Website, School Education Department.
6. Government Order file/Stock file.

(Suhail-ul-Islam) KAS

Under Secretary to the Government
School Education Department

01/01/18
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