

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

**Subject:** WP(c) No. 4487/2019 titled Rishu Gupta V/s UT of J&K & Ors.  
O.A No. 061/0006/2020 titled Rishu Gupta V/s UT of J&K & Ors.

Government Order No. 1149 Edu of 2021

D a t e d: 09 - 07 - 2021

Whereas, Smt. Rishu Gupta RReT Teacher (now Teacher Grade-II), Government Middle School Bachoka Chack, Zone Sallan was deployed in District Jammu for a period of two years on medical grounds vide Government order No. 04-Edu of 2018 dated 01.01.2018 retaining lien and promotion prospects in her parents district cadre and was adjusted in Govt Girls Middle School Upper Paloura vide Chief Education Officer, Jammu order No. CEOJ/NG/74752-54 dated 03.01.2018;

Whereas, Smt. Rishu Gupta on completion of her deployment period approached the Hon'ble High Court of Jammu through WP(c) No. 4487/2019 titled Rishu Gupta V/s UT of J&K & Ors for enhancement of her deployment period;

Whereas, the Hon'ble High court vide dated 28.12.2019 disposed of the writ petition and the operative part of the order is an under:-

*".....Instead of keeping this writ petition pending, I deem it appropriate to dispose of the same by directing the respondents No. (Commissioner Secretary to the Government) to consider and decide the representation dated 29.11.2019 contended to have be filed by the petitioner by or before 31.12.2019 and outcome of the said representation shall be conveyed to the petitioner. If the respondent No. 1 falls to consider and decide the representation of the petitioner by or before 31.12.2019, in that eventuality, the petitioner shall be allowed to continue to her present place of posting till the decision of the representation dated 29.11.2019."*

Whereas, the Headmaster Govt Girls Middle School Upper Paloura relieved Smt. Rishu Gupta Teacher Grade -II and the petitioner/applicant approached Hon'ble Central Administrative Tribunal Jammu through O.A No. No. 016/00006/2020 titled Rishu Gupta v/s UT of J&K & Ors for enhancement of her deployment period;

Whereas, the Hon'ble Central Administrative Tribunal Jammu on 07.07.2020 disposed of the OA with the direction that as the petitioner applied to withdraw her OA and Zonal Education Officer, Sallan has drawn the salary of Smt Rishu Gupta w.e.f June 2020 to



November 2020 and sought necessary instructions for the drawal of pending salary of the petitioner w.o.f January 2020 to May 2020;

Whereas in terms of Govt. Order No. 27-Edu of 2010 Dated:- 12.01.2010 an RoT Teacher cannot be transferred from one place to other place even after his/her regularization in the Department, as those RoTs have their appointment in the school specific;

Whereas, in terms of Govt. Order No. 20-Edu of 2010 Dated 22-01-2010 at point No.3 (a) it is clearly mentioned that even after regularization of RoT into RRot (Teacher Grade-II & III) their service condition shall be same as that of General Line Teacher with the exception that they shall not be transferred except on mutual transfer basis to the post of other Teacher Grade-II & III in exceptional circumstances;

Whereas, the claim/representation of the petitioner dated 20.11.2019 has been examined and it has been found that the case of the petitioner/applicant does not fall within the purview of the Government Order in vogue on the subject;

Now therefore, in deference of the Hon'ble High Court order dated 28.12.2019 passed in SWP No. 4487/2019 titled Rishu Gupta V/s UT of J&K & Ors, the claim of the petitioner is found devoid of merit hence rejected and the Director School Education, Jammu is directed to relieve the petitioner/applicant to her original place of posting. Further it is also directed to release the pending salary of the applicant/petitioner, if any due to her under rules.


By Order of the Government of Jammu and Kashmir.

Sd/-  
( B.K. Singh )  
Principal Secretary to Government  
School Education Department

No: Edu-LGLOCou/30/2021  
Copy to the:-

Dated: 09-07-2021

1. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India.
2. Director School Education, Jammu for information and necessary action.
3. Chief Education Officer, Jammu/Kathua for information and necessary action.
4. Pvt. Secy. to Principal Secy to Government, School Education Department.
5. I/C Website
6. Govt. Order file (w.3.s.c)

  
( Javed Ahmed Shagoo )  
Additional Secretary to Government  
School Education Department