



**GOVERNMENT OF JAMMU AND KASHMIR  
SCHOOL EDUCATION DEPARTMENT,  
CIVIL SECRETARIAT, JAMMU/SRINAGAR**

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Subject: SWP No. 2267/2017, MP No. 01/2017 titled Syed Noor-u-Din V/S State and others.

**Government Order No: 164 - Edu of 2018**

**D a t e d: 14 - 02 - 2018**

Whereas, the petitioner Sh. Syed Noor-Ud-din filed writ petition bearing SWP No. 2267/2017, before the Hon'ble High Court at Srinagar and has sought the following reliefs:-

- a) Mandamus commanding the respondents to pay the petitioner all the pensionary benefits by treating the petitioner in active service in the respondent Department from 01.04.1976 to 30.04.2007, when the petitioner's first appointment as Maktab/Patshala teacher and thereafter the petitioner was regularized as General Line Teacher vide Government Order No. 1391-Edu of 1983 dated 01.12.1983 and retired on 30.04.2007.
- b) Mandamus commanding the respondents to pay the petitioner all the pensionary benefits and other arrears after giving him full pensionary benefits by treating him to have served in the Department as regular teacher with effect from 01.04.1976 to 30.04.2007.

Whereas, the said writ petition was disposed of by the Hon'ble High Court on 07.11.2017, the operative part whereof is reproduced as under:-

*"Petitioner claims regularization w.e.f. 01.04.1976 instead of 12.12.1983. The case of the petitioner has been forwarded to the Commissioner/Secretary to Govt. Education Department but till date decision has not been taken. This petition is disposed of at*

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*this stage with a direction to respondent no. 1 to take an appropriate decision in the matter on merits and in accordance with rules. It is made clear that this court has not expressed any opinion on the merits of the case. Let a decision be taken within a period of six weeks from the date copy of this order is served on him".*

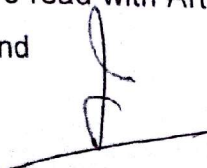
Whereas, the matter has been examined in the Department and found that a number of Maktab and Pathshala were functioning in the State for a long time. The teachers running those institutions were paid monthly remuneration by the Government from Rs. 25/- in the year 1962 to Rs. 100/- per month in the year 1982; and

Whereas, the appointment of Maktab and Pathshala teachers was mainly restricted to the traditional Moulvis and Pandits generally sponsored by public and in the year 1970, the Government decided to phase out these institutions and to begin with it was decided that as and when a Maktab or Pathshala teacher passed away, the institution held by him/her shall cease to function; and

Whereas, in the year 1983, the Department with the approval of the Chief Minister in Co-ordination, decided to adjust Maktab and Pathshala teachers with qualification of Matric and above in the Department as Teachers in relaxation of recruitment rules with a direction that institutions held by them would be closed; and

Whereas, the petitioner was engaged as Maktab/Patshala Teacher on 01.04.1976, and was regularized as General Line Teacher w.e.f 12.12.1983, vide Government Order No. 1391-Edu of 1983 dated 01.12.1983, in relaxation of upper age bar by 03 years 08 months and 19 days. The petitioner retired on superannuation from services on 30-4-2007, after putting 23 years 04 months and 18 days regular service only; and

Whereas, the post of Maktab teacher/Patshala Teacher, is neither covered by the term 'daily wager/contingent paid worker' nor by the term 'Temporary' as such the case of the petitioner does not fall within the ambit of Rule 177, 177A and 178 read with Article 34A of the Jammu and Kashmir Civil Services Rules Vol-I; and





Whereas, after further examining the Government Order No. 1391-Edu of 1983 dated 01.12.1983, reveals that the services of the petitioner as Maktab/Patshala teacher, among others, has been regularized by the Department on prospective basis i.e with effect from 12.12.1983, which means that the past services rendered by these officials as Maktab/Patshala teacher have not been counted for the pensionary benefits.

Now, therefore, in view of the above stated position and in compliance with the directions passed by the Hon'ble High Court on 07.11.2017, the claim of the petitioner has been considered and found devoid of merit and hence is rejected.

By Order of the Government of Jammu and Kashmir.


Sd/-  
**(Farooq Ahmad Shah) IAS**  
Secretary to Government  
School Education Department

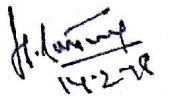
No: Edu/Legal/K/145/2017

Dated: 14-02-2018

Copy to the:-

1. Director School Education, Kashmir for information and necessary action.
2. Chief Education Officer, Budgam for information and necessary action.
3. Private Secretary to Secretary to the Government, School Education Department.
4. Syed Noor-Ud-Din S/O Syed Ghulam Mohammad R/O Peerbagh, Hyderpora. Srinagar (Petitioner).
5. I/C Website
6. Govt. Order file (w.3.s.c)
7. Stock file

  
**( Javed Ahmed Reshi )**  
Under Secretary to Government  
School Education Department

  
14-2-18