



Government of Jammu and Kashmir
School Education Department
(Non-Gazetted Section)
Civil Secretariat, Jammu/Srinagar.

Subject:- SWP No. 2577/16 titled Sahil Karnal V/s State & Ors.

Government Order No. 273 -Edu of 2017
DATED 06 06.2017

Whereas, the mother of the petitioner namely Saroj Kumari, who was working in Education Department died in harness on 18.03.2015; and

Whereas, petitioner came to be appointed as Class-IV in terms of SRO-43 of 1994 vide Order No.DSEJ/Gen/SRO-43/63729-32 dated 17.02.2016; and

Whereas, the petitioner approached the Hon'ble High Court for re-consideration of his case against a higher post; and

Whereas the Hon'ble Court, vide its order dated 17.12.2016, passed the following directions:-

"The short grievance of the petitioner in the writ petition is that on the death of his mother, he being MA(Sociology) and B.Ed applied for consideration of his case on compassionate appointment. His request was considered and he was appointed as Class-IV employee. It is contended that since the petitioner is M.A (Sociology) and B.Ed graduate, he is entitled to be posted as teacher in terms of SRO-43 of 1994 dated 22.02.1994. In this regard, petitioner has made an undated representation which has been acknowledged in the proceedings dated 21.09.2015 (Annexure-D to the writ petition).

It is also contended by the petitioner that the similarly situated persons were given the post of teacher and he should not have been discriminated.

Heard Mr. Ravinder Gupta, learned Additional Advocate General appearing for the respondents. He states that the authority will consider the representation of the petitioner.

In this view of the petitioner, writ petition is disposed of with liberty to the petitioner to make a representation along with copy of this order to the authority concerned within a period of one week who shall consider the same on its own merits within a period of three weeks thereafter and pass a speaking order."

Whereas, the case of the petitioner has been examined in the Department and it has been found that the applicant's academic record is very poor viz Grade 2nd in 10th, Grade 3rd in 12th, Grade 2nd in B.A and also in M.A & B.Ed and as such cannot be considered for the post of Teacher as the Department cannot compromise on the quality of Education in Govt. Schools by considering appointment under SRO-43 of such applicant who possess poor academic profile; and

Whereas a post of teacher has to be manned by well qualified and meritorious person who has requisite ability to teach and guide the children as a below average teacher may adversely affect the future generation.

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Now, therefore, the case of the petitioner has been considered in compliance of the Hon'ble High Court's order 17.12.2016, and is found to be devoid of any merit & is hereby rejected.

By Order of the Government of Jammu and Kashmir.


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

No. Edu//L/J/Misc/34/2017

Dated 06 -06-2017

Copy to the:-

1. Director School Education, Jammu
2. OSD to Hon'ble Minister for Education for information of the Hon'ble Minister.
3. Special Assistant to Hon'ble Minister of State for Education for information of the Hon'ble Minister.
4. Pvt. Secretary to Principal Secretary to Government, School Education Department.
- ✓ 5. I/c Website for information
6. Monday Return file (w.3.w.c)stock file


06/06/17
(Sanjay Pandita)
Under Secretary to Government
School Education Department
