



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

Subject: SWP No. 1928/2016, MP No. 01/2016 titled Ghulam Rubani Deedad V/s State of J&K & others.

**Government Order No:- 394 - Edu of 2017
D A T E D:- 06 - 07 - 2017**

Whereas, Chief Education Officer, Kupwara, vide order No. Estt/Gaz/45221-25 dated 31.03.2016, placed Sh. Gh. Rubani Deedad, Ex-Warden G&B Hostel, Kupwara, under suspension on the basis of complaint received from the students of G&B Hostel, Kupwara regarding alleged sexual harassment of one of the inmates; and

Whereas, Secretary, J&K Advisory Board for Development of Gujjar and Bakerwal, vide letter No. SAB/GB/2016/1187-89 dated 04.10.2016, has intimated that he visited the said Hostel on 09.04.2016 and observed that misappropriation of Government funds had been committed by Mr. Gh. Rubani Deedad Ex-Warden G&B Hostel, Kupwara and accordingly constituted a Committee of officers vide No. 11-SAB/GB of 2016 dated 09.06.2016, to ascertain the truth and veracity on all aspects of management of hostel affairs; and

Whereas, the Committee has submitted its report and findings to the Secretary, J&K Advisory Board for Development of Gujjar and Bakerwal. The committee in its report observed that Sh. Ghulam Rabani, Warden G&B Hostel, Kupwara, has committed misappropriation of funds; and

Whereas, during the examination of the enquiry report Mr. Ghulam Rubani Deedad, approached the Hon'ble Court through the medium of SWP No.1928/2016, MP No. 01/2016 titled Ghulam Rubani Deedad; and

Whereas, the Hon'ble High Court while disposing of the writ petition on 09.12.2016 passed orders, operative part of which is reproduced as under:-

".....Writ petition is taken board and is disposed of by directing respondent No. 4 to take a final decision on the Enquiry report by passing a speaking order in accordance with the rules and regulations applicable as expeditiously as possible preferably within a period of six weeks from the date of receipt of certified copy of this order." and

[Handwritten signature]

Whereas, in compliance to the Hon'ble High Courts direction dated 09.12.2016, passed in SWP No.1928/2016, MP No. 01/2016, Chief Education Officer, Kupwara has accordingly passed speaking order and found that the official being Gazetted Officer and CEO is not competent to reinstate the petitioner and it is the Administrative department which is competent to reinstate the petitioner.

Whereas, after examining the enquiry report the department observed that a charge-sheet shall be served upon the petitioner to explain his position. Accordingly vide letter No. Edu/Gaz-III/44/2016 dated 12.01.2017, charge sheet was served upon the petitioner; and

Whereas, the petitioner has submitted his reply to the charge sheet and after examination of reply, it was decided to appoint an Inquiry Officer to enquire into the charges framed against the Mr. Ghulam Rubani Deedad; and

Whereas, vide Government Order No. 385-Edu of 2017 dated 04.07.2017, Sh. Mehboob Hussain Dar, I/C Principal SIE, Kashmir, was appointed an Inquiry Officer to enquire into the charges framed against the official.

Whereas, since the enquiry proceedings against Mr. Rubani is under process and it will not be appropriate to consider the re-instatement of petitioner at this juncture in anticipation of enquiry report from Inquiry officer; and

Whereas, the appropriate decision shall be taken in the matter after proper examination of the Inquiry report to be submitted by Inquiry officer.

Now, in view of above, the claim of the petitioner in compliance to the Hon'ble High Court Order dated 09.12.2016, passed in SWP No.1928/2016, MP No. 01/2016 has been considered and found devoid of any merit and hence rejected.

By order of the Government of Jammu and Kashmir.

Sd/-

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

No: Edu/Gaz-III/44/2016

Dated: 06.07.2017

Copy to the:

1. Director School Education, Kashmir.
2. OSD to the Hon'ble Minister for Education for information of the Hon'ble Minister.
3. Special Assistant to the Hon'ble Minister of State for Education for information of the Hon'ble Minister.

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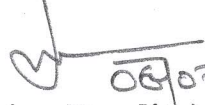
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3. Special Assistant to the Hon'ble Minister of State for Education for information of the Hon'ble Minister.



4. Chief Education Officer, Kupwara.
5. Private Secretary to Secretary to the Government, School Education Department for information.
6. Concerned Officer.
7. I/C Website.
8. Government order file (w.2.s.c)/ stock file.


08/07/17

(Sanjay Pandita)

Under Secretary to the Government
School Education Department

