



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

Subject: SWP No: 1561/2015 MP No: 1/2015 titled Abdul Hamid V/S State and others.

Government Order No: 414 - Edu of 2015

D a t e d: 19 - 08 - 2015

Whereas, vide Government Order No: 558-Edu of 2014 dated:08.08.2014, Sh. Abdul Hamid, ZEO was assigned the additional charge of ZEO, Mahore; and

Whereas, during the intervening period, promotion of Headmaster and equivalent was ordered as ZEO by the School Education Department and the posting of promotees against available vacancies;

Whereas, vide Government Order No: 243-Edu of 2015 dated: 21.5.2015, Sh. Abdul Hamid was posted as Sr. Headmaster, High School, Bagga and Mohd. Aslam Beig was posted as I/C ZEO, Mahore, relieving the petitioner of additional charge of ZEO, Mahore; and

Whereas, in terms of Jammu and Kashmir School Education, Gazetted (Service) Recruitment Rules, 2010, Zonal Education Officer and Sr. Headmasters are equivalent posts while Headmaster and ZEPOs carry equivalent grades and as such does not involve any demotion and disturbance of the status of the cadre; and

Whereas, the petitioner filed the above titled writ petition which was disposed of vide judgment dated: 26.05.2015 with the following orders:-

"In view of the statement of learned counsel for the petitioner, the writ petition is taken on board and is disposed of by granting liberty to petitioner to make a representation to respondent No. 1 within three days from today for being allowed to remain at his present place of posting in view of the

stipulations contained in Schedule I-D. Respondent No. 1, on receipt of the representation from the petitioner, shall decide the same within a period of one week from today in accordance with the rules applicable.

Meanwhile, till the decision of the representation within a period of one week from today, status quo as on date shall be maintained".

Whereas, representation of the petitioner for modification of transfer order and continuation as I/C ZEO, Mahore has been duly examined in the Department and it has been found that request of the petitioner for continuation is not justified as petitioner was holding the additional charge of Zone, Mahore and as such question of pre-mature transfer does not arise as alleged to be in patent repugnance to note-2 Schedule I-D of the CSR Vol-II;

Now, therefore, keeping the above facts in view and in compliance of the directions of the Hon'ble High Court, the claim of the petitioner has been examined and found devoid of merit, hence rejected accordingly.

By Order of the Government of Jammu and Kashmir.

**Sd/-
(Shaleen Kabra)**

Commissioner/ Secretary to Government
School Education Department

No: Edu/Legal/J/Misc/340/2015

Dated: 19-08-2015

Copy to the:-

1. Director School Education, Jammu for information and necessary action.
2. Smt. Zainab Shamas Watali, Additional Advocate General, J&K High Court, Jammu for information and necessary action.
3. Chief Education officer, Rajouri for necessary action.
4. Pvt. Secretary to Commissioner/ Secretary to Government, School Education Department for information of Commissioner Secretary.
5. Sh. Abdul Hamid S/O Sh. Abdul Subhan R/O Village Lar, Tehsil Mahore District Reasi.
6. Incharge Website
7. Govt. Order file (w.3.s.c)
8. Stock file.


(R.K. Misri)

Under Secretary to Government
School Education Department