



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

(Legal Section)

Subject: SWP No: 1078/2016 titled Mumtaz Begum V/S State and others.

Government Order No: 431 - Edu of 2016

D a t e : 26 - 10 - 2016

Whereas, Mumtaz Begum filed SWP No. 1078/2016 before the Hon'ble High Court alleged therein that she has represented before the respondents for her transfer from the school wherein she was engaged as ReT to another school on health condition of her son, who is suffering from 75% disability; and

Whereas, the Hon'ble High Court disposed of the writ petition on 20.05.2016 with the following directions:-

"Having regard to the grievance of the petitioner, this writ petition is admitted to hearing and disposed of with a direction to the Director School Education, Jammu, herein respondent No. 2, to accord consideration to the representation of the petitioner and dispose of the same without any delay, preferably within six weeks period, after petitioner produces a copy of this order in the office of respondent No. 2. It is, however, made clear that the matter shall be considered on its merits totally uninfluenced by passing of this order by the Court".

Whereas, the case of the petitioner in compliance to the directions of the Hon'ble High Court has been examined; and

Whereas, on examination, it was found that in the original ReT scheme, no provision for transfer of the regularized ReTs (RReTs) as the intent was to provide assured teaching guides in schools which historically have been experiencing shortage of staff. Further the posts of teachers created under SSA are funded through Centrally Sponsored Schemes and therefore, cannot be equated with regular posts of teacher created under Plan Funds. Besides, the ReTs are recruited on the basis of

limited competition within village/habitation as against General Line Teachers recruited on the basis of open competition and therefore, a parity could not be drawn and hence there was no provision of transfer after regularization of ReT, particularly since such a transfer would be counted to the basic objective of the scheme by leaving the village school bereft of staff.

Now, therefore, in view of the above facts and in compliance to the Hon'ble High Courts direction dated 20.05.2016, claim of the petitioner for her transfer cannot be acceded to.

By Order of the Government of Jammu and Kashmir.

Sd/-
(Shaleen Kabra)

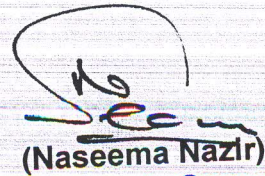
Commissioner/Secretary to Government
School Education Department


Dated: 26 -10-2016

No: Edu/Legal/J/Misc/190/2016

Copy to the:-

1. Director School Education, Jammu for information and necessary action.
2. Ld. Additional Advocate General, J&K High Court, Srinagar for information and necessary action.
3. Chief Education Officer, Doda.
4. Pvt. Secretary to Commissioner/Secretary to Government, School Education Department for information of Commissioner/Secretary.
5. Mumtaz Begum W/O Mohd. Hafiz R/O Bhagwah Tehsil and District Doda.
6. Incharge Website
7. Govt. Order file (w.3.s.c)
8. Stock file.


(Naseema Nazir)

 Under Secretary to Government
School Education Department