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

Subject: SWP No: 1386/2015 titled Shanker Dass and others V/S State and others.

Government Order No: 505 - Edu of 2015

D a t e d: 07 - 10 - 2015

Whereas, the petitioners Shanker Dass and others filed writ petition bearing SWP No: 1386/2015 titled Shanker Dass and others V/S State and others before the Hon'ble High Court; and

The Hon'ble High Court vide order dated 12.05.2015 passed the following direction, the relevant portion whereof is reproduced asunder:-

*"In view of the submissions made, this petition is disposed of with a direction to the respondents to accord consideration to the case of the petitioners in light of observations made in judgment dated: 31-12-2007 rendered in a batch of petitions, lead case being SWP No: 961/2003 titled Adil Akhter Shah and others read with judgment passed by the Learned Division Bench of this Court in LPASW No: 49/2008 decided on 30-7-2009 titled as State of Jammu and Kashmir and others v. Adil Akhter and others provided the said judgments are applicable in the case-in-hand and pass appropriate orders thereon within a period of two months from the date a certified copy of this order and also that of above referred judgments are made available to them".*

*(Signature)*

Whereas, in the year 1998, applications were invited for Class-IV posts from eligible candidates of Jammu Division and a committee of the following officers was constituted by the Director School Education, Jammu vide Order No: DSEJ/901-17 dated: 8-8-1998 to make selections:-

1. Chief Education Officer of concerned district.
2. Principal DIET of concerned district
3. One member from SC/ST community of the level of Principal HSS from same district to be jointly nominated by the Chief Education Officer and Principal DIET of the concerned district.
4. One officer to be nominated by Administrative Department

Whereas, the said committee was directed to submit its recommendation to the Director School Education Jammu after the completion of the interview process. However, the appointment orders were issued by the Chief Education Officer, Jammu, Kathua, Poonch, Udhampur and Rajouri in contravention of the prescribed procedure and the Director School Education, Jammu vide his Order No. DSEJ/Gen/7566 7826 dated 28-6-99 cancelled all the appointment orders issued by the said Chief Education Officers of Jammu Division. When the matter came up before the Government, the Government kept in abeyance the order of the Director School Education, Jammu, dated 28-6-99 vide Govt. Order No. 906-Edu of 1999 dated: 05-07-1999; and

Whereas, later on the aforementioned Government order was withdrawn vide Government Order No: 309-Edu of 2000 dated: 24-4-2000 resulting in the revival of the Director, School Education, Jammu's order No: DSEJ/Gen/7566-7826 dated: 28-6-1999. Aggrieved by this order, which in effect cancelled their appointment, many of the ousted appointees approached the Hon'ble High Court through writ petitions seeking re-appointment in service and the Hon'ble High Court while upholding the cancellation of the appointments, directed that a fresh merit list be drawn by the Government keeping in view the fact that some of the candidates may be on the verge of crossing the age barrier. The said direction were passed in writ petition No: SWP-2668/1999 on 23-5-2000; and

Whereas, vide Govt. Order No: 556-Edu of 2002 dated: 11-4-2002 ordered that the ousted Class-IV employees shall be considered for appointment against the vacancies in the districts to which they belong temporarily on consolidated salary of Rs. 1200/- per month till such time the fresh merit list is drawn on completion of the selection process; and

Whereas, subsequently, the candidates working against Class-IV posts on consolidated salary of Rs. 1200/- per month were placed in the regular pay scale of Rs. 2550-3200 vide Government Order No: 383-Edu of 2003 dated: 4-4-2003 by the Department; and