



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

Subject:- SWP No: 494/2012, SWP No: 55/2014 titled Mohd. Rafiq V/S State and others.

**Government Order No: 530 - Edu of 2015**

**D a t e d: 20 - 10 - 2015**

Whereas, Mr. Abdul Majid S/O Mohd. Ismail engaged as RET vide order dated: 29-10-2004 died due to kidney failure on 24-1-2008; and

Whereas, brother of the deceased RET applied for appointment on compassionate grounds under SRO-43/1994; and

Whereas, the petitioner filed SWP No: 494/2012 and the Hon'ble High Court disposed of with the directions to the respondents to consider the case of the petitioner under rules; and

Whereas, the petitioner has filed another writ petition bearing SWP No: 55/2014 seeking appointment on compassionate grounds on the post which was fallen vacant due to death of his brother Abdul Majid in MS Dhanwan Phalni; and

Whereas, the Hon'ble High Court vide its order dated: 10-1-2014 disposed of the writ petition, the operative part whereof is reproduced as under:-

*"In view of the statement made by learned counsel for the petitioner for final disposal of the petition, this petition is disposed of with direction to respondent No: 2 to take effective steps for filing up the vacancy caused by death in harness of deceased Abdul Majid and consider the appointment of petitioner on the said vacancy in accordance with law. This exercise shall be effected and concluded within a period of two months from the date copy of this order be made available to the respondent No: 2. Compliance report in this regard shall be filed by respondent No: 2 before the Registrar (Judicial)".*

Whereas, the Director School Education, Jammu vide letter No: DSEJ/Legal/7554 dated: 1.7.2014 followed by letter dated: 11.02.2014 and 16.10.2014 has submitted the case of petitioner to Government for consideration; and

Whereas, the case of the petitioner was submitted to General Administration Department for seeking advice as to whether benefits SRO-43 of 1994 can be extended to R-e-T (Teachers) prior to their regularization; and

Whereas the General Administration Department vide U.O. No: GDC-24/CM/2015-SRO dated: 10.9.2015, returned the case with the following observations:-

*"Returned: The department is informed that NOK's of deceased person appointed under RET on honorarium basis is not entitled for compassionate appointment, under SRO-43 of 1994".*

Now, therefore, in compliance to the Hon'ble High Courts direction dated: 28.05.2013 and 10.01.2014 passed in SWP No: 494/2012 and SWP No: 55/2014, the claim of the petitioner for appointment on compassionate grounds on the post which was fallen vacant due to death of his brother Abdul Majid in MS Dhanwan Phalni posts has been considered and found not in consonance with the rules and, hence rejected accordingly.

By Order of the Government of Jammu and Kashmir.

Sd/-

( Shaleen Kabra )

Commissioner/Secretary to Government  
School Education Department

Dated: 20 -10-2015

No: Edu/Legal/J/Misc-81/2014

Copy to the:-

1. Director School Education, Jammu for information and necessary action.
2. Ld. 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. Mohd. Rafiq S/O Mohd. Ismail, R/O Village Phalni Tehsil Koteranka District Rajouri.
6. Website Incharge
7. Govt. Order file (w.3.s.c)
8. Stock file.

  
Mohit Rana  
Under Secretary to Government  
School Education Department