

Government of Jammu and Kashmir
School Education Department
Civil Secretariat, Jammu

Subject: Appointment of Ms. Kunzes Dolma D/o Tsering Norbo R/o Village Nimo District Leh as +2 lecturer in the discipline of Computer Science.

Reference: PSC/DR/Computer Science/12/2008 dated 23.02.2021 from J&K Public Service Commission.

Government Order No. 73 -Edu of 2021

D a t e d: 25.03.2021

Whereas, the department vide letter No. Edu/V/4/2008 dated 13.05.2008, referred 09 posts (OM=05, RBA=02, SC=01, ST=01) of Lecturer Computer Science (10+2) to the Public Service Commission for making selection of suitable candidates and the PSC advertised these posts vide Notification No.06-PSC of 2008 dated 23.05.2008; and

Whereas, J&K Public Service Commission initiated selection process of these posts and vide letter No. PSC/DR/Lect.+2Computer Science/2008 dated 23.09.2011 recommended selection of one candidate under RBA category and the result of 05 candidates under OM category have been kept withheld in SWP No. 1916/2011 titled Bilal Ahmad Kotwal and ors. Besides it has been also intimated that one post each in SC, ST and RBA category remained unfilled and were to be re-advertised as backlog posts; and

Whereas, after the disposal of SWP No. 1916/2011 titled Bilal Ahmad Kotwal and ors by the Hon'ble Court, J&K Public Service Commission vide letter dated PSC/DR/Lect+2 Computer Science/2008 dated 20.02.2013 recommended two candidates under OM category for their appointment as +2 lecturer and 06 posts (OM=03, RBA=1, SC=1 and ST=1) have been returned with the request to re-refer these posts to the Commission along with the decision taken by the Government about Distance Mode Degrees obtained by the candidates; and,

Whereas, the candidature of one candidate namely, Ms. Kunzes Dolma was rejected by the Commission on the ground that her qualification (MCM) is not relevant/equivalent for the post. Aggrieved by the rejection of her candidature, Ms. Kunzes Dolma filed a Writ Petition No. 1949/2011 in the matter; and

Whereas, the writ petition No. 1949/2011 was disposed of by the Hon'ble High Court vide its order dated 23.11.2017 the operative part of which is reproduced as under:-

"..... there remains no iota of doubt as the petitioner possessed the requisite qualification as has been advertised in the notification."

The competent authority of the School Education Department is therefore directed to take a decision with regard to the eligibility of the petitioner in light of the communication dated 14.07.2017 as well as observation made in this order and to recommend the case of the petitioner for conducting the interview of the petitioner by respondent No.1. Let this exercise be carried out within six weeks from today."

Whereas, pursuant to aforementioned order of the Hon'ble High Court, the department vide letter No. Edu/Legal/J/Misc/223/2016 dated 12.01.2018 informed Secretary, J&K PSC to treat the PG Degree MCM possessed by the petitioner equivalent to Post Graduate in Computer Science and the case of the petitioner may be settled accordingly; and

Whereas, J&K PSC filed LPA in the Hon'ble High Court with a plea that "there is no provision for equivalence of qualification in the Rules and that similarly situated candidates were not considered by the commission. The equivalence was required to be considered by the Competent Authority; and

Whereas, Hon'ble High Court dismissed the LPA filed by the Commission vide order dated 09.08.2019 the operative part of which is reproduced as under:-

"... The present appeal is accordingly dismissed being totally misconceived. The Commissions is directed proceed further in the matter for selection of the respondent No.1/the writ petitioner after treating her eligible for the post. The needful shall be done within a period of two month from the date of receipt of the copy of the order. To avoid any further litigation, it is further directed that the petitioner shall be entitled to all the benefits from the date, she joins service, if appointed, However, if for any reason more time is required for compliance of the order, extension from the court will be required."

Whereas, in compliance to the decision of the Hon'ble High Court, the PSC conducted interview of the petitioner on 16.11.2019 and on the basis of the performance of the petitioner in the interview and other related parameters, the petitioner Ms. Kunzes Dolma D/o. Tsering Norbo R/o Village Nimo, District Leh, secured 50.28 points and has been recommended for appointment against the available post of Computer Science (10+2) under ST category in School Education Department vide letter No. PSC/DR/Computer Science/12/2008 dated 23.02.2021 in continuation to their earlier letter No. PSC/DR/Lect.+2Computer Science/2008 dated 20.02.2013; and

Whereas, the said recommendation of appointment of the petitioner namely Ms. Kunzes Dolma has been examined in the department and found that no post under ST category is available against Notification No.06-PSC of 2008/

dated 23.05.2008 pursuant to indent No. Edu/V/4/2008 dated 13.05.2008 as the PSC vide letter No. PSC/DR/Lect+2 Computer Science/2008 dated 20.02.2013 has returned 06 posts (OM=03,RBA=1, SC=1 and ST=1) including the post of ST category to this department with the request to re-refer these posts to the Commission; and

Whereas, the department referred 37 posts (OM=22, RBA =7, SC=3, ST =3, ALC =1, SLC=1, Total =37) of Lecturer in Computer Science which have become available in the department to the PSC vide indent No. Edu/V/04/2008 dated 16.03.2016 for making selection of the suitable candidates under fast track recruitment notified by the GAD vide Government Order NO. 1377-GAD of 2015 dated 15.10.2015. The PSC advertised these posts vide Notification No. 09-PSC (DR-P) of 2016 dated 19.03.2016 and after concluding selection process, the PSC vide letter No. PSC/DR/Lect/+2 Comp./App/2017 dated 25.11.2017 forwarded the selection of 36 candidates (OM=22, RBA =7, SC=3, ST =2, ALC =1, SLC=1, Total =36) for issuance of appointment order. However, the PSC has remained silent about one post of lecturer Computer Science under ST category and no candidate has been recommended against the said slot; and

Whereas, the case of Ms. Kunzes Dolma has been further examined in the department and it has been approved by competent authority to utilize the said one post of lecturer in Computer Science under ST category of Notification No. 09-PSC(DR-P) of 2016 dated 19.03.2016 pursuant to indent Edu/V/04/2008 dated 16.03.2016 for her appointment so that the Court judgment is implemented; and

Now, therefore, sanction is hereby accorded to the appointment of Ms. Kunzes Dolma D/o Tsering Norbo R/o Village Nimo District Leh as +2 lecturer in the discipline of Computer Science under ST category on regular/temporary basis in the School Education Department, in the pay scale of Rs. 9300-34800+Grade Pay of Rs. 5400 (pre-revised).

The appointee shall report to Director School Education, Jammu within a period of 21 days from the date of issuance of the appointment order. If the appointee fails to join within a period of 21 (twenty one) days from the date of issuance of this order shall forego her right to the appointment which shall be deemed to have been cancelled ab-initio without any further notice.

The appointee shall be allowed to join only on production of the following certificates in original:-

- a) Academic qualification certificates.
- b) Matriculation/Date of Birth certificate.
- c) Health Certificate from the concerned Chief Medical Officer.
- d) Domicile Certificate issued by competent authority.
- e) Reserved category certificate (if any)

Handwritten mark

Handwritten signature

- f) Certificate from the District Industries (DIC) and District Employment & counseling Centre to the effect that no loan under any self employment scheme has been taken by the appointee(s).
- g) Character/ antecedents certificates.

The appointment shall further be subject to the following conditions:-

a). That she shall give an undertaking in the shape of an Affidavit to the effect that :-

i). In case adverse report about her Character and Antecedents is received from the Inspector General of Police, (CID) J&K to whom a reference shall be made by the Director School Education, Jammu she shall have no right to claim her appointment and her appointment as such shall be deemed to have been cancelled ab-initio;

ii). If, on verification, genuineness of the certificates produced by the appointee are proved fake or forged for which the reference has to be made by DSE, Jammu to issuing authorities the claim of the appointee for appointment shall also be deemed to have been cancelled ab- initio and the legal action as warranted under rules shall be initiated against her.

b). The salary of the appointee shall not be drawn and disbursed to her unless a satisfactory report in respect of (i) and (ii) above are received in her favour.

The appointment of the candidate shall be governed by the "New Pension Scheme" as per SRO 400 of 2009 dated 24.12.2009.

The appointment shall also be subject to the outcome of the writ petition(s), if any, pending before Hon'ble Court of Law.

By order of the Government of Jammu and Kashmir.

Sd/-

(B.K Singh)

Administrative Secretary
School Education Department

Dated: 25.03.2021

No. Edu/V/172/2011

Copy to the:-

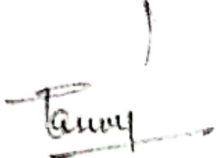
01. Joint Secretary, J&K Ministry of Home Affairs, GoI New Delhi.

02. Secretary, J&K Public Service Commission, Jammu with the request not to make any selection against the pending one slot of lecturer Computer Science under ST category pursuant to Notification No. 09-PSC(DR-P) of 2016 dated 19.03.2016 as requisitioned by the department vide indent No. Edu/V/4/2008 dated 16.03.2016. Besides, also return the said post to the indenting department so that salary of the appointee can be drawn against the post.

Handwritten signature

Handwritten signature

03. Director, Information, J&K, Jammu with the request to publish the appointment order in two leading daily newspapers based in Jammu and Kashmir division each.
04. Director School Education, Kashmir/Jammu for information and further necessary action.
05. OSD to Advisor (B) for information.
06. General Manager, Government Press, Srinagar for information.
07. Private Secretary to Administrative Secretary, School Education Department.
08. I/c Website, School Education Department.
09. Concerned.
10. Monday Return (w.3.S.Cs.)/ Stock file.


(Mukhtar Ahmad) KAS
Deputy Secretary to the Government
School Education Department
