



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

Subject: Disposal of representation of Mtr. Tahira Bano, Ex-I/C Headmaster, High School, Shey (Leh), for regularization as Headmaster.

**Government Order No. 89 – Edu of 2019**

**D a t e d: 25 . 02 . 2019**

1. Whereas, one Mtr. Tahira Bano, Ex-I/C Headmaster, High School, Shey (Leh), submitted a representation in the Administrative Department and requested for her regularization as Headmaster on the analogy of his colleagues viz-a-viz juniors; and

2. Whereas, service particulars of Mtr. Tahira Bano were sought from the Director, School Education, Kashmir, which were received vide DSEK's No. DSEK/Estt/Gaz/8079, dated 01.12.2018; and

3. Whereas, the case was examined in the Department and referred to the Finance Department. The Finance Department returned the case with the following observation: -

*“... The School Education Department is advised to specifically confirm that the teacher was entitled for confirmation as Headmaster prior to her retirement since her junior has been promoted/confirmed as Headmaster after her retirement.”*

4. Whereas, the case was further examined in the Department and it has been observed that she was placed as I/C Headmaster on 23.06.2009 and retired from Government service on 31.08.2009. As per the seniority list of Masters (I/c Headmasters & equivalent) issued vide Government Order No. 618-Edu of 2012, dated 02.08.2012, the position of Mtr. Tahira Bano (ST) and her immediate senior/junior was as: -

- 1) Mehbooba Farhat (at Snty Position No. 2467)
- 2) Aisha Wani (at Snty Position No.2468)
- 3) Tahira Bano (ST) (at Snty Position No.2469)
- 4) Nawang Rigzan (ST) (at Snty Position No.2470)

5. Whereas, regularization order issued vide Govt. Order No. 684-Edu of 2012, dated 04.09.2012 further reveals that senior as well as junior of Mtr. Tahira Bano (ST) falling under ST category have been regularized as Headmasters w.e.f. 01.10.2009 and those who were immediate seniors to Mtr. Tahira Bano, but falling under OM category have been regularized from much later date i.e., 01.02.2010 as per availability of vacancies. Mtr. Tahira Bano (ST) had already retired on 31.08.2009 i.e., before accrual of vacancy. As such, she was not entitled for regularization in terms of Government Order No. 743-GAD of 2007, dated 28.06.2007, the relevant portion of which is reproduced hereunder: -

*Amir*

"Promotion of a Government employee shall take effect from the date, he has been formally put in charge of higher post subject to his eligibility in accordance with the recruitment rules and availability of vacancy. His clearance/regularization shall take effect from the date of his placement against the higher post or availability of vacancy or the date of his eligibility, which ever is later. In all other cases, the promotion of a Government employee to the next higher post shall take effect from the date of issuance of the order."

6. The details of Mtr. Tahira Bano in light of above order are as: -

Date of promotion as Master	Date of Eligibility as per qualifying service	Date of Placement as I/C Headmaster	Date of availability of clear vacancy	Date of retirement
17.07.1995	July, 1998	23.06.2009	01.10.2009	31.08.2009

From the above table, it is clear that Mtr. Tahira Bano was retired well before the availability of clear vacancy of Headmaster under relevant category.

7. Now, therefore, in view of the above position, claim of Mtr. Tahira Bano (ST) for her regularization as Headmaster is devoid of any merit and, as such, rejected.

**By order of the Government of Jammu and Kashmir.**

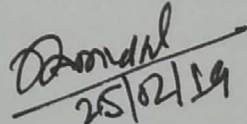
Sd/-  
(Ajeet Kumar Sahu) IAS  
Secretary to the Government

No: Edu/GAZ-III/05/2018

Dated: 25 . 02 . 2019

Copy to the:

1. Director, School Education, Kashmir.
2. Private Secretary to Secretary to the Government, School Education Department.
3. P.A. to Special Secretary (H), School Education Department.
4. Concerned
5. Govt.Order file (w.3.s.c.) / I/C Website.

  
25/02/19  
(Sachin Jamwal) KAS  
Deputy Secretary to the Government

