



Government of Jammu & Kashmir
SCHOOL EDUCATION DEPARTMENT
Civil Secretariat, Jammu

- Subject:** Suspension of Sh. Javed Ahmad Kichloo, I/C Dy. CEO, Kishtwar – *revocation thereof.*
- Reference:**
1. Order No: DCK/PS/17/582-87, dated 24.11.2017, issued by Deputy Commissioner (*District Election Officer*), Kishtwar, &
 2. Letter No. CEO/K/2017/28297-301, dated 24.11.2017, received from I/C Dy. Chief Education Officer, Kishtwar.

Government Order No: 962 -Edu of 2017

Dated: 25.11.2017

Whereas, the Deputy Commissioner (*District Election Officer*), Kishtwar, *vide* his order, issued under endorsement No: DCK/PS/17/582-87, dated 24.11.2017, placed under suspension Mr. Javed Ahmad Kichloo, the I/C Deputy Chief Education Officer (Dy. CEO), Kishtwar, allegedly for causing hindrance in the election-related work by directing Tehsildar Bunjwah to detach Sh. Lok Raj, RReT and asking the Teacher to report for duties at Government Middle School (GMS), Mugalabad, Zone Drabshalla, Kishtwar, where he is presently posted; and

Whereas, a copy of the aforesaid suspension order, amongst others, has also been endorsed to Secretary to the Government, School Education Department, for information and confirmation of the action taken; and

Whereas, the School Education Department, taking cognizance of the action taken by the Deputy Commissioner, Kishtwar, sought a detailed report in the matter from the I/C Dy. CEO Kishtwar and the I/C Dy. CEO Kishtwar *vide* his communication No: CEO/K/2017/28297-301, dated 24.11.2017, furnished a detailed report wherein he has clarified his position by stating that the Tehsildar Bunjwah attached Sh. Lok Raj, RReT, presently posted in GMS Mugalabad, Zone Drabshalla, *vide* order issued under endorsement No. 194/OQ/TB, dated 27.10.2017, purportedly for election-related duties. However, on public demand, the Deputy Commissioner, Kishtwar, issued verbal directions to I/C Dy. CEO Kishtwar to immediately detach Sh. Lok Raj, RReT, from the office of Tehsildar, Bunjwah, and the I/C Dy CEO Kishtwar *vide* letter No. CEO/K/2017/25943-47, dated 09.11.2017 complied with the orders and detached Sh. Lok Raj, RReT, from the office of Tehsildar Bunjwah, with the direction to report at GMS, Mugalabad, Zone Drabshalla; and

Whereas, in compliance to the directions of the School Education Department, conveyed during a review meeting of all CEOs of Jammu Division on 22.11.2017 in the office of SPD SSA at Jammu, the I/C Dy. CEO Kishtwar further issued order, *vide* No. CEO/K/2017/Estt/28065-28145, dated 24.11.2017, whereby the attachment of all teaching staff working in different offices of Kishtwar district was cancelled forthwith, with the direction to report to their original place of posting so that routine work of Schools may not hamper; and

Whereas, the I/C Dy. CEO Kishtwar further reported that the Deputy Commissioner, Kishtwar, again issued direction and this time asked him to revoke the detachment order of Sh. Lok Raj, RReT, for retention in the office of Tehsildar Bunjwah. However, the I/C Dy. CEO Kishtwar expressed his inability to retain the aforesaid RReT in the office of Tehsildar Bunjwah, in view of the instructions conveyed by the School Education Department on 22.11.2017 during a review meeting at Jammu for detaching all Teachers working in various offices with the directions to report at their original places of postings in Schools, so

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that routine work of Schools does not suffer. The I/C Dy. CEO Kishtwar further stated that the Deputy Commissioner, Kishtwar, used un-parliamentary language and asked the Police to arrest him for not complying with his direction to retain Sh. Lok Raj, RReT in Tehsil Officer Bunjwah and the same was followed by the aforesaid suspension order; and

Whereas, the School Education Department, *vide* its O. M. reference No. Edu/Genl-Misc/Elections/2017, dated 01.04.2017, in deference to the directions of the Hon'ble Education Minister, took up with the General Administration Department (GAD) the issue of exempting teachers of the School Education Department from all future non-teaching assignments, including election duties, in order to minimize interruption in teaching activities; and

Whereas, the engagement of ReTs/RReTs is school-specific and there is no provision in the transfer policy of the School Education Department, notified *vide* Government Order No: 622-Edu of 2015, dated 22.12.2015, where-under ReTs/ RReTs can be transferred/ attached, so as to ensure that students in far-off places do not suffer; and

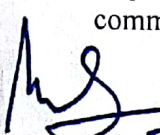
Whereas, on the instructions of the Hon'ble Chief Minister passed during her public outreach programmes, the School Education Department, has taken an in-principle policy decision to cancel attachment orders of all teaching staff, especially those posted in remote and far-flung districts in the State, so as to not further compromise the academic future of our students. In this backdrop, the School Education Department recently issued directions for cancellation of deployments/ utilization of services of Teachers/ Masters of Gurez area working in other zones/ offices of district Bandipora and the Chief Education Officer, Bandipora, issued orders *vide* endorsement No. CEO/Bpr/Estt/017/3590-95, dated 01.11.2017, followed by another order dated 07.11.2017, thereby canceling forthwith all attachments of teaching staff, with the directions to report for teaching duties at their original/ substantive places of postings ; and

Whereas, in this particular case, the Teacher and his attachment is a full-time deployment with the office of Tehsildar Bunjwah for carrying out Special Summary Revision 2017-2018. Besides, the matter involves attachment of an RReT on a full time basis, who otherwise has been appointed on School-specific basis in view of the exigencies and spatial difficulties, in relaxation of normal appointment rules, keeping in view the non-availability of teachers in far-flung areas, including those of district Kishtwar; and

Whereas, the attachment of such an RReT teacher means snatching away of education avenues of students residing in backward and far-flung areas which is otherwise a basic right. In this backdrop, the attachment of the teacher, that too an RReT, in Tehsil Office Bunjwah is bad and detrimental to the larger interest of the student community. As such, cancellation of all attachments of teaching community including detachment of RReT Teacher, Sh. Lok Raj to his original place of posting, in view of the extant policy, is well within the prerogative of the School Education Department authorities; and

Whereas, the Deputy Commissioner, Kishtwar, could have assigned duties for Special Summary Revision 2017-18 for smooth conduct of Panchayat elections to officials other than the Teachers of the School Education Department, i.e. the non-teaching staff. It should have been in the fitness of things if the Deputy Commissioner, Kishtwar, could have taken up the matter with the Administrative Department (School Education Department) or the Chief Electoral Officer, J&K, Jammu, rather than taking unilateral action by suspending the I/C Dy. CEO Kishtwar, who is a senior-level officer of the School Education Department; and

Whereas, the School Education Department has examined the matter and it has been observed that the action of the Deputy Commissioner, Kishtwar, of placing I/C Dy. CEO Kishtwar, under suspension rather than taking up the matter with the School Education Department, has the potential to create a law-and-order situation, given the fact that the teaching community may agitate against this action taken by the Deputy Commissioner, Kishtwar; and


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Whereas, the Dy. CEO Kishtwar was well within his rights to comply with the orders passed by his Administrative Department and issue detachment of all teaching staff, including that of Sh. Lok Raj, RReT, from the office of Tehsildar Bunjwah, Kishtwar, as the Department can ill-afford risking future of thousands of students, especially in remote and far-flung areas of the State, including Kishtwar, as the primary mandate of a Teacher is to impart education to students, who are nation builders of tomorrow. Therefore, the action of I/C Dy. CEO Kishtwar has been found in consonance with the directions of the Administrative Department and hence upheld.

Now, therefore, in light of above and after taking various aspects of the case into consideration, it is hereby ordered that the orders of suspension of Sh. Javed Ahmad Kichloo, I/C Dy. CEO Kishtwar, issued by the Deputy Commissioner, Kishtwar, *vide* his order under endorsement No: DCK/PS/17/582-87, dated 24.11.2017, is hereby revoked with immediate effect and the action taken by I/C Deputy CEO Kishtwar, issued *vide* his endorsement No.CEO/K/2017/25943-47, dated 09.11.2017 and order issued *vide* No. CEO/K/2017/Estt/28065-28145, dated 24.11.2017, are hereby upheld and confirmed *ab initio*. The officer shall resume his duties as I/C Dy. CEO, Kishtwar, with immediate effect.

By order of the Government of Jammu and Kashmir.

Sd/-

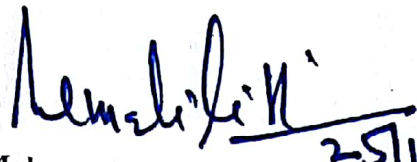
(Farooq Ahmad Shah) IAS
Secretary to the Government
School Education Department

No. Edu/Gaz-A/95/2017-I

Dated: 25.11.2017

Copy to the:

1. Advisor to the Hon'ble Chief Minister.
2. Chief Electoral Officer, J&K.
3. Divisional Commissioner, Jammu.
4. Deputy Commissioner, Kishtwar.
5. Director School Education, Jammu.
6. OSD to the Hon'ble Minister for Education for information of the Hon'ble Minister.
7. Special Assistant to the Hon'ble Minister of State for Education for information of the Hon'ble Minister.
8. Chief Education Officer, Kishtwar. *He is directed to ensure that the order issued vide endorsement No.CEO/K/2017/Estt/28065-28145, dated 24.11.2017, is implemented in letter and spirit.*
9. Principal, DIET, Kishtwar.
10. Concerned Officer.
11. Private Secretary to Secretary to the Government, School Education Department.
12. I/C Website.
13. Government Order file (w.2.s.c)


(Mohammad Yaqoob Malik)
Under Secretary to the Government
School Education Department