



**GOVERNMENT OF JAMMU AND KASHMIR  
SCHOOL EDUCATION DEPARTMENT,  
CIVIL SECRETARIAT JAMMU**

**Circular No. 1- Edu of 2017**

**D a t e d: 4.1.2017**

Whereas, a Circular bearing No. Edu/PS/C/S/11/05 dated 11.08.2005 was issued by the Department whereunder it has been directed that no official shall undertake any activity/assignment including teaching in a private institution or coaching centre unless permission is obtained from the competent authority to do so and that no such permission shall be available two hours before the opening of the school and two hours after the school gets closed;

Whereas, Vichar Kranti Manch International, filed writ petition (PIL) No. 6/2011 before the Hon'ble High Court challenging therein the aforesaid Circular and the writ petition was disposed of by the Hon'ble High Court vide its judgment dated 18.11.2011, relevant portion of the said judgment reproduced as under:-

*".....With the above said directions, the writ petition stands disposed of by setting aside the part of the instructions contained in circular No. Edu/PS/C/S/11/05 dated 11-08.2005 granting general permission/authority to the officials of the Education Department and Medical Department to grant permission to all the teachers and Doctors respectively to engage themselves by way of self employment in private coaching centres two hours before the opening of the school and two hours after the closing of the schools and private practice by the doctors, with other directions stated therein".*

Whereas, in compliance to the directions of the Hon'ble Court, the School Education Department vide Circular dated 15.06.2012 rescinded part of the Circular instructions dated 18.08.2005, pertaining to accord of general permission to the teachers to engage themselves by way of self employment in private coaching centres two hours before the opening of the schools and two hours after the closing of the schools;

Whereas, the State Government filed SLP (Civil) No. 16885/2012 (CC 9115/2012) against the Judgment dated 18.11.2011 titled State of J&K Vs. Vichar Kranti International and others and the Hon'ble Supreme Court in its interim order passed the following direction:-

*"In the meantime, the operation of the impugned Judgment shall remain stayed".*

Whereas, the Hon'ble Supreme Court has disposed of the above referred SLP (Civil) No 16885/2012 (CC 9115/2012) on 21.10.2016 and observed in para 3 as under:-

*".....3. During the course of the hearing, learned Counsel appearing on behalf of the State has urged that the State is not aggrieved by the directions of the High Court in their application to teachers, insofar as the circular dated 11 August 2005 was set aside. The circular, it has been submitted, was issued by the Education Department and specifically dealt with the issue of whether officials engaged in schools could be permitted to take up private assignments. However, the grievance is that the directions issued by the High Court which have been extracted above, proceeded on the basis that the circular also regulated government medical doctors engaging in self-employment or other activities. It was urged that the rules governing private practice by government doctors were not placed before the Court. Hence, without considering those rules, the High Court has issued a blanket direction erroneously on the basis that the circular of 11 August 2005 also covered the services of medical doctors".*


In view of the directions passed by the Hon'ble Supreme Court, the Judgment passed by the Division Bench of the Hon'ble High Court on 18.11.2011 in PIL No. 06/2011 has been upheld to the extent of quashing general permission/authority to the teachers of Education Department to engage themselves by way of self employment or in the form of accepting part time employment in private coaching centres.



Contd.....3

Now, therefore, It is hereby directed that no teaching faculty of School Education Department shall take up any activity/assignment including teaching in a private institution or coaching centre .

Consequent upon above, the Directors of School Education Department and all Chief Education Officers are directed to ensure strict compliance of these instructions in their respective jurisdiction. Violation, if any, shall be immediately acted upon to ensure strict compliance. A weekly report shall be furnished with relevant details by the Directorates.



04-01-2017

( R.K. Misri )

Under Secretary to Government  
School Education Department

No. Edu/Legal/J/Misc/182/2016

Dated 04 -01-2017

Copy to the:-

1. Director, Information J&K, Jammu with the request to publish Circular in leading daily newspapers.
2. All Deputy Commissioners.
3. Director School Education, Jammu/Kashmir for information and necessary action.
4. All Chief Education Officers.
5. Pvt. Secretary to Principal Secretary to Government, School Education Department.
6. I/C Website.
7. Stock file.