

Government of Jammu and Kashmir  
School Education Department  
(HRM Section)  
Civil Secretariat, J&K  
\*\*\*\*\*

Subject: CCP(S) No. 82/2021 in SWP No. 1299/2013, titled Subash Chander Sharma V/s B.K. Singh & Anr.

Reference: i. State Administrative Council Decision No. 166/22/2018, dated 07.12.2018.  
ii. Minutes of the Departmental Promotion Committee meeting held on 11.08.2021.

Government Order No. 1347 - Edu of 2022.

Dated 27.05.2022.

Whereas, the petitioner namely Subash Chander Sharma was initially appointed as Teacher in the School Education Department on 05.09.1985; and

Whereas, the private respondents were appointed as teachers on 26.08.1986; and

Whereas, the petitioner and private respondents were placed as I/C Lecturers in the discipline of Commerce vide Government Order No. 218-Edu of 2004, dated 29.02.2004; and

Whereas, the private respondents were regularized as Lecturer (Commerce) notionally from 09.11.95 and on regular basis from 29.02.04 vide Government Order No. 846-Edu of 2012, dated 16.11.2012, but services of petitioner were regularized as Lecturer w.e.f. 08.07.05 vide Government Order No. 234-Edu of 2013, dated 07.03.2013; and

Whereas, aggrieved of above, the petitioner approached the Hon'ble High Court through the medium of a writ petition bearing SWP No. 1299/2013, seeking directions against the respondents to promote him notionally from 09.11.1995 and on regular basis w.e.f. 29.02.2004 at par with the junior counterparts; and

Whereas, the Hon'ble High Court allowed the writ petition and disposed it off by passing an order/judgment dated 20.12.2019, directing the respondents to promote the petitioner to the post of Lecturer and give him benefits notionally w.e.f. 09.11.1995 and regularize his services w.e.f. 29.02.2004 with all consequential benefits with a further direction to complete the exercise within a period of six weeks from the date a copy of the order is served upon the respondents by the petitioner; and

Whereas, the petitioner filed a Contempt Petition before the Hon'ble High Court bearing CCP(S) No. 82/2021 titled Subash Chander Sharma V/s B.K. Singh & Another; and

ISSUED DAD  
27/05/2022.



Whereas, the Hon'ble High Court passed an order dated 07.09.2021, in the Contempt Petition which reads as under:-

**"The judgement and order dated 20.12.2019 has not been complied with till date. An affidavit was filed by Mr. B.K. Singh, Principal Secretary to Government, School Education Department on 03.07.2021, stating therein that the case of the petitioner would be placed before the designated committee and the same would be considered accordingly as and when the DPC is held.**

**On a plain reading of the affidavit, it can be seen that the issue with regard to implementation of the judgement and order passed by this Court has been made subject to the approval of the designated committee. Not only this, assuming that even for purposes of implementation, the matter had to be routed through the designated committee, yet the affidavit did not prescribe any timelines.**

**In that view of the matter, it is directed that the Principal Secretary to Government, School Education Department will ensure that the matter is finally concluded and appropriate orders are obtained/passed positively within a period of three weeks.**

**Needless to say that no authority or committee, whether designated or not, would have any right to sit over the judgements passed by the Court, except when such judgements are either modified or over-ruled by the higher judicial fora.**

**Let the needful be done positively within a period of four weeks.**

**List again on 12.10.2021."**

Whereas, case of petitioner was accordingly, placed before the Departmental Promotion Committee for discussions in the meeting held on 11.08.2021 in the Supplementary Agenda at Item No. 13; and

Whereas, the service particulars of the petitioner and that of the private respondents are given below:-

S. No	Name	DOB	D.O 1 <sup>st</sup> appt.	D.O promotion as Master	D.O passing PG	D.O placement as I/C Lecturer	Date of regularization as Lecturer
<b>Petitioner</b>							
01	Subash Chander	24.02.59	05.09.85	--	1991	29.02.04	08.07.05
<b>Respondents</b>							
02	Ghansham Verma	12.09.60	26.08.86	--	1991	29.02.04	Notionally from 09.11.95 and regular 29.02.04
03	Uttar Kumar Khajuria	16.01.62	26.08.86	--	1991	29.02.04	-do-
04	Suresh Kumar Sharma	09.03.61	26.08.86	--	1994	29.02.04	-do-

Whereas, as per the above mentioned service particulars it has become amply clear that the petitioner is senior to all the private respondents; and



Whereas, the Departmental Promotion Committee in its meeting held on 11.08.2021 deliberated upon the case and recommended for giving notional/regular effect in favour of the petitioner as has been given to his junior counterparts;

Now, therefore, pursuant to the decision taken by the Departmental Promotion Committee in its meeting held on 11.08.2021 and in compliance to the orders of the Hon'ble High Court passed in SWP No. 1299/2013, it is hereby ordered that the regularization of petitioner Shri Subash Chander Sharma as Lecturer in the Discipline of Commerce shall have notional effect w.e.f. 09.11.95 and on regular basis w.e.f. 29.02.04 at par with his junior counterparts.

By order of the Government of Jammu and Kashmir.




Sd/-  
(B.K. Singh)  
Principal Secretary to the Government.

No: Edu-HRM/262/2021-01-SED.

Dated: 27.05.2022.

Copy to:-

1. Advocate General, J&K.
2. Joint Secretary (J&K) Ministry of Home Affairs, Government of India, New Delhi.
3. Principal Accountant General, J&K Srinagar.
4. Director, Archives, Archaeology and Museums J&K.
5. Director, School Education, Jammu/Kashmir.
6. OSD to Advisor (B) to the Hon'ble Lieutenant Governor, J&K UT.
7. Concerned.
8. PA to Principal Secretary to the Government, School Education Department.
9. I/C Website, School Education Department.
10. Govt. Order file/Monday return (w.3.s.c).

  
(Mohammad Iqbal Mir) JKAS  
Under Secretary to the Government.  
 

**Government of Jammu and Kashmir**  
**School Education Department**  
**Civil Secretariat, J&K, Jammu/Srinagar**

**Subject:-** Extension of study leave in favour of Mr. Mohammad Latif Mir, Teacher GHS Asham for pursuing M.Sc in Environmental Science through University of Kashmir on regular basis.

**Ref:** DSEK/Estt/III/B-Trs/S.leave/10/2019/3976 dated 23.02.2022 of Director. School Education. Kashmir.

**Government Order No: 1340 -Edu of 2022**  
**Dated: 27 -05-2022**

In continuation to Government Order No.192-Edu of 2020 dated 26.08.2020, sanction is hereby accorded to the extension of study leave in favour of Mr. Mohammad Latif Mir, Teacher GHS Asham for a period of one year for completion of M.Sc in Environmental Science through University of Kashmir on regular basis w.c.f the date his previous term is expired.

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

Sd/-

(B.K Singh)

**Principal Secretary to Government**  
**School Education Department.**

Dated: 27-05-2022

No. Edu/NG-K/54/2021-01-SED

Copy to the:-

1. Joint Secretary, J&K and Ladakh, Ministry of Home Affairs, GoI.
2. Director School Education, Kashmir.
3. Director Archives, Archeology & Museum J&K.
4. OSD to Advisor (B) for information of the Hon'ble Advisor.
5. Chief Education Officer Ganderbal.
6. Private Secretary to Principal Secretary to Government. School Education Department.
7. I/c website, School Education Department.
8. Concerned.
9. Government Order file (w.2.s.c).

  
(Masood Ahmad Wani)

Deputy Secretary to the Government.

