

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

Subject:- **Contempt petition CCP(s) No. 287/2021 in SWP No. 2649/2013 titled "Mohammad Sidiq Lone and others versus Shri B.K Singh and others".**

Government Order No:2071-Edu of 2022
Dated: 16-08-2022

Whereas, Sh. Mohammad Sidiq Lone and others filed the above titled writ petition before the Hon'ble High Court of J&K and Ladakh, at Srinagar, seeking the following reliefs:

- I. direction including one in the nature of mandamus declaring the impugned treatment given by the respondents to the petitioners in the matter of regularization of officiating promotion to the post of Head Master/equivalent post vis-à-vis the treatment given to the beneficiaries of Government Order No: 684-Edu of 2012 dated:4.9.2012, including those promoted on officiating/incharge basis to the post of Head Masters/equivalent.
- II. commanding the respondents in particular respondent No: 1 to give/accord in faithful compliance with the mandate of Equal opportunity Clause/equality Clause enshrined in Article 14 and 16 of the constitution of India, treatment to the petitioners in the matter of regularization of officiating promotion to the post of Headmasters/Equivalent similarly and on par as has been given/accorded by the respondent No: 1 to the Incharge Headmasters vide Government Order No: 684-Edu of 2012 dated: 4.9.2012;

Whereas, the Hon'ble High Court vide its order dated 28.7.2015 disposed the writ petition of the petitioners, the relevant portion whereof is reproduced as under:

".... This writ petition alongwith connected CMP(s) is disposed of and respondents are directed to accord consideration to the claim of the petitioners for being appointed by way of promotion on the post of Head Master on regular and substantive basis from the date they have been promoted on officiating basis on the posts of Head Master which treatment has been meted to other similarly circumstanced persons.

Respondents to complete the aforesaid exercise and pass orders within eight weeks from the date copy of this order is served.

Respondents are further directed to give all service benefits to the petitioners in consequence of passing of orders of promotion on regular basis in favour of the petitioners";

Whereas, the case of the petitioners in compliance to the directions of the Hon'ble High Court was then examined and was not found in consonance with the rules and therefore, rejected accordingly vide Government Order No. 386-EDU of 2016 Dated: 05-10-2016;

Whereas, aggrieved of the said Government order with regard to non-regularization of the petitioners as Headmasters, the petitioners filed contempt petition bearing No. 233/2016 in which statement of facts / compliance report was filed by the respondents but was not accepted by the Hon'ble High Court and the Hon'ble Court vide its order dated 23-05-2018 observed "**..... There is no implementation / compliance of the judgement in the 2 ½ page Government order, except rejecting their claim in the last para**" and also directed as follows:

"Since the court is also interested in implementation of judgement, therefore it has become necessary to ask learned Counsel for the petitioner to serve a copy of the judgement on the present incumbents who shall on receipt implement the same on letter and spirit. In case respondents – present incumbent fails to implement the court order, the petitioners shall lay a motion for seeking their impleadment as respondents.";

Whereas, aggrieved of the Hon'ble High Court's order dated 23-05-2018 passed in the contempt petition, the Department filed LPA before the Hon'ble Court, but the same was dismissed;

Whereas, thereafter, the petitioners filed the fresh contempt petition bearing No. 287/2021 in SWP No. 2649/2013 titled "Mohammad Sidiq Lone and others Vs Sh B.K Singh and others", in which the Department (respondents) filed compliance report, whereunder it was submitted that the case of the petitioners is under process in the Department for placing the same before the review DPC to be convened within a month but due to non-availability of some requisite documents which were sought from subordinate offices and JKPS, it could not be convened;

Whereas, the said compliance report filed by the Department was not accepted by the Hon'ble Court and the Hon'ble Court vide its order dated 07-05-2022 directed that having regard to the request made by the learned Counsel for the respondents, two weeks last and final opportunity was granted to file the updated compliance report indicating the manner in which the case of the petitioners has been considered;

Whereas, in compliance to the order dated 07-05-2022 fresh compliance report was filed before the Hon'ble Court but the same was rejected by the Hon'ble Court vide its order dated 15-07-2022 and instead "Robkar" was framed against the Principal Secretary to Government School Education Department with the direction to show cause as to why he be not punished for committing the contempt of the Hon'ble Court for wilful disobedience and non-compliance of the judgement passed by the Hon'ble High Court of J&K on 28-07-2015 in SWP No. 2641 / 2013 and was directed to appear in person before the Hon'ble Court on 16-08-2022;



Whereas, in compliance to Hon'ble Courts order dated 07-05-2022 detailed affidavit in reply to the show-cause notice was filed before the Hon'ble Court which was also not accepted by the Hon'ble Court and the Principal Secretary to Government School Education Department appeared before the Hon'ble Court in person on 16-08-2022 and explained his position but the Hon'ble Court was not satisfied with the reply of the Principal Secretary and again directed the Department to comply the Hon'ble Courts orders dated 28-07-2015;

In view of the above, the Hon'ble Courts Order dated 28-07-2015 passed in SWP No. 2649/2013 titled Mohammad Sidiq Lone and others Vs State of J&K and others is required to be implemented and therefore the services of the petitioners are hereby regularized as Headmasters with effect from the date, they were placed as In-charge Headmasters against the posts available or supernumerary posts. However, the benefit of this order shall be confined to the petitioners only and it will not be quoted as precedence. This order shall also be subject to the outcome of the SLP, which is being filed before the Hon'ble Supreme Court of India against the order dated 15-07-2022 passed by the Hon'ble High Court of J&K and Ladakh in CCP(s) No. 287/2021, arising out of SWP No. 2649/2013 in light of sanction accorded by the Department of Law, Justice and Parliamentary affairs vide U.O No. LAW-SC/138/2022-10, dated 10-08-2022.

By order of the Government of Jammu and Kashmir.



(B.K Singh)

Principal Secretary to the Government,
School Education Department.

No: Edu-HRM/50/2021-01

Dated: 16.08.2022

Copy to the:-

1. Additional Chief Secretary to the Government, Finance Department for information.
2. Principal Secretary to the Government, General Administration Department for information.
3. Director, School Education, Kashmir for information.
4. Additional Secretary (L), SED for information and necessary action.
5. OSD to Advisor (B) for information to Hon'ble Advisor.
6. Deputy Advocate General / Counsel of the Department at Hon'ble High Court, J&K Srinagar for information and necessary action.
7. Government Order file/stock file.
8. I/c website, SED for hoisting the same on the official website of the Department.



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

Subject:- Assigning of look after charge of Headmasters and equivalent to Masters - Modifications in postings thereof.

Government Order No: 3072 -Edu of 2022
Dated : 18 . 08 . 2022

In partial modification of Government Order No. 1746 -Edu of 2022 Dated: 27-06-2022 the after Headmasters and equivalent in Annexure-A (Jammu Division) to this Government Order hereby readjusted / posted in the Institutions / Zones as shown against each, with immediate

The other terms and conditions shall remain same as contained in the Government Order 1746 -Edu of 2022 Dated: 27-06-2022.

By order of the Government of Jammu and Kashmir.

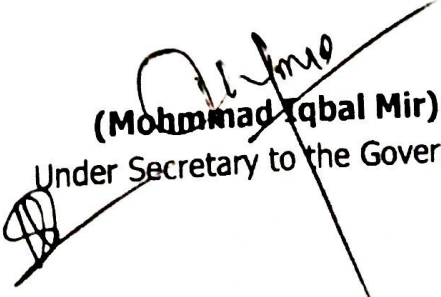
Sd/-
(B.K Singh)
Principal Secretary to Government
School Education Department.

Dated: 18 - 08-2022

HRM/126/2022/01(C.No.160544)

To the:-

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


(Mohammad Iqbal Mir) JKAS
Under Secretary to the Government

Annexure-A to Government Order No. 2079 -Edu of 2022 Dated: 18.08.2022
(Jammu Division)

S. No. in Order. Annexure-A	District	Name	Under Orders of adjustment / Posting as LA Headmaster to:	Distt where posted as LA Headmaster	New (Modified) Place of posting	Distt. (New Posting)
49	KISHTWAR	RITA DEVI BHANDARI	HS TIPRI	KISHTWAR	HS CHERJI Her salary shall be drawn against any vacant post of Headmaster in District Kishtwar	KISHTWAR
53	KISHTWAR	RAVINDER KUMAR	HS GURINALLA	KISHTWAR	GHS KUNGWARI	KISHTWAR
72	KISHTWAR	SAROJ SEN	GHS KUNDWARI	KISHTWAR	GHS SANGRAMBHATTA	KISHTWAR
461	KISHTWAR	MANZOGR AHMAD	HS GALHAR	KISHTWAR	HS INSHAN	KISHTWAR
463	KISHTWAR	DEV RAJ	HS INSHAN	KISHTWAR	HS GALHAR	KISHTWAR
65	KISHTWAR	MOHD AYUB	HS DRUBEEL	KISHTWAR	In-Situ	KISHTWAR
471	KISHTWAR	SAJAD HUSSAIN KELAM	HS KWATH	KISHTWAR	HS GHAN	KISHTWAR


Under Secretary to Government,
School Education Department

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

Subject: Advance drawl.

Government Order No. 2073 JK(Edu)of 2022
Dated : 30. 08.2022

Sanction is hereby accorded for advance drawl of funds to the tune of Rs. 3.00 lacs each in favour of Director School Education Jammu/Kashmir out of Detailed Head 022 Camps Seminars and Conferences for its utilization for conduct of Teacher's Day on 5th of September, 2022.

The advance drawl shall, however be subject to the following conditions:-

- i. All the codal formalities shall be strictly adhered.
- ii. The funds shall be utilized for the purpose for which the advance drawl has been sanctioned and no diversion, re-appropriation/parking at any level shall be allowed.
- iii. The Red account should be submitted immediately to the Accountant General J&K after incurring the expenditure.

The expenditure shall be debited to the account head detailed as:

Major Head :	2202	General Education
Sub Major Head:	0701/0702	Director School Education Jammu/Kashmir
Minor Head:	02	Secondary Education
Detailed Head:	022	Camps Seminars and Conferences

By order of Government of Jammu and Kashmir.

Sd/-
(Alok Kumar)
Principal Secretary to Government
School Education Department
Dated: 30.08.2022

Edu-AccttORB/13/2022-01

Copy to the:

1. Joint Sec etary (J&K affairs), Ministry of Home Affairs, Government of India.
2. Accountant General J&K.
3. Director School Education Jammu/Kashmir.
3. Treasury officers concerned.
4. Private Secretary to the Principal Secretary to Government School Education Department.
5. Government Order file.

(Iftikhar Hussain Chauhan)
Director Finance
School Education Department