



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

(Legal Section)

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**Subject: CP No. 153/2022 in OA No.61/1010/2021 titled Bishan Sharma & Anr V/s UT of J&K & Ors.**

**Government Order No: 135 - JK (Edu) of 2023.**

**Dated: 29 - 05 - 2023.**

Whereas, the applicant Sh. Bishan Sharma & Anr has filed original application before the Hon'ble Central Administrative Tribunal Jammu. The Hon'ble Central Administrative Tribunal vide order dated 09.07.2021 has disposed of the OA with the following directions:-

".....Looking to the limited prayer made by the learned counsel for the applicants, the O.A. is disposed of with direction to the respondents to take a decision on the representation dated 29.05.2021 (Annexure No. A-15) preferred by the applicants and pass a reasoned and speaking order within a month from the date of receipt of a certified copy of this order. The respondents are further directed to consider the O.A. also as a part of the representation while taking a decision."

Whereas, the applicants have also filed contempt petition bearing No. CP No. 153/2022 before the Hon'ble Central Administrative Tribunal Jammu.

Whereas, in pursuant to the directions of the Hon'ble Central Administrative Tribunal Jammu the case of the applicant was examined in the department and service particulars of both these applicants as well as private respondents (reportedly junior counterparts) were sought from the Directorate of School Education, Jammu/Kashmir in order to redress the grievance of the petitioners. The details of the service particulars of both the petitioners as well as other three respondents as received from Director School Education Jammu/Kashmir as well as record available in the department are as under:

Sr. No	Name	Design.	D.O.B	D.O. Ist appointment	D.O. Promotion as Master	Date of placement as I/C Lecturer	Date of Regularization as Lecturer	Year of passing PG	Mode of Passing PG
<b>Respondents</b>									
1)	Reyaz Ahmed Teli	Sr. Lecturer	05-02-1967	31-03-1994	-	05-10-2007	05-10-2007	Sept, 02	Regular

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2)	Showkat Ahmed Sherwani	Sr. Lecturer	15-10-1969	31-03-1994	-	05-10-2007	05-10-2007	30-10-1995	Regular
3)	Abdul Majid Malla	Sr. lecturer	10-02-1966	01-04-1994	-	05-10-2007	05-10-2007	09-09-1992	Regular
<b>Petitioners</b>									
1	Bishan Sharma	Sr. Lect	18-01-1967	23-10-1989	--	05-10-2007	13-05-2008	21-01-2006	Distance
2	Jatinder Sharma	Sr. Lect	27-03-1967	02-11-1993	-	05-10-2007	13-05-2008	27-06-2006	Distance

Whereas, on the strength of 1st appointment both the applicants are senior to these three respondents, however applicants/petitioners were regularized as Lecturer w.e.f 13.05.2008 and the private respondents/juniors were regularized w.e.f 05.10.2007 in the year 2013 (both applicants/private respondents). On the basis of earlier regularization private respondents were further promoted as Senior Lecturer w.e.f 30.12.2013 and the applicants were promoted as Senior Lecturers w.e.f 15.03.2021. Pertinent to mention that all the above petitioners/respondents (junior Counterparts) were placed as I/c Lecturer in the same G.O No. 384-Edu of 2007 dated 05.10.2007.

Whereas, the case has been further examined from the available records of the DPC meeting. The DPC which was held on 11.10.2012 for regularization of I/c Lecturers as Lecturers 10+2 in various disciplines including Physics had recommended the dates (from which regularization effect was made) purely on the basis of eligibility list which was prepared and placed before the said DPC meeting.

Whereas, from the perusal of the eligibility list against the total available (27 numbers) vacancies accrued as on 16.11.2005, Mr. Reyaz Ahmed Teli (Sty No. 258), Mr. Showkat Ahmed Sherwani (Sty No. 259) and Mr. Abdul Majid Malla (Sty No. 260) {private respondents} were recommended for regularization against the said available vacancies w.e.f 05.10.2007 (i.e. the date of their placements) as they have passed their PGs in the year 2002, 1995 & 1992 respectively and thus eligible for their regularization against the said available vacancies. However, the applicants namely Mr. Bishan Sharma (Sty No. 121) and Mr. Jatinder Sharma (Sty No. 248) being senior on the strength of date of 1st appointment were not recommended against the said available vacancies as accrued on 16.11.2005 due to the fact that they have passed their PGs on 21.01.2006 and 27.06.2006 respectively i.e. after the accrual of said vacancies.

Whereas, the next vacancies which were accrued on 13.05.2008 (total 32 numbers) and Mr. Bishan Sharma & Mr. Jatinder Sharma (applicants) were recommended for their regularization against the said vacancies and regularized w.e.f 13.05.2008.

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Whereas, it is clear that the regularization effect which were given to the applicants and respondents have been given correctly on the basis of criteria of regularization as laid down under norms in vogue i.e. date of placement or availability of vacancy or date of eligibility whichever is later as per Government Order No. 743-GAD of 2007 dated 28.06.2007.

Keeping in view, the facts and circumstance of the case and in compliance to the directions of the Hon'ble Central Administrative Tribunal passed in CP No. 153/2022 in OA No.61/1010/2021 titled Bishan Sharma & Anr V/s UT of J&K & Ors, the claim of the applicants have been considered in the department and being not tenable under rules is hereby rejected.

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

Sd/-

**Alok Kumar (IRS)**

Principal Secretary to the Government,  
School Education Department.

Dated: 29-05-2023.

No: Edu-LGL0Cou/87/2021-01

**Copy to the: -**

1. Joint Secretary (J&K) Ministry of Home Affairs, Government of India.
2. Director School Education Jammu for information.
3. OSD with the Advisor (B) to the Lieutenant Governor, UT of J&K for information.
4. Chief Education Officer concerned for information.
5. Private Secretary to the Principal Secretary to Government, School Education Department for information
6. Sh. Sudesh Magotra Ld. AAG, Hon'ble Central Administrative Tribunal J&K Jammu for information
7. Sh. Bishan Sharma & Anr (applicants) for information.
8. I/C Website for uploading the same on Official website.
9. Government Order File/Concerned File(w.2.s.c)

  
**(Masood Ahmad Wani)**

Deputy Secretary to the Government,  
School Education Department.

