



GOVERNMENT OF JAMMU AND KASHMIR
SCHOOL EDUCATION DEPARTMENT,
CIVIL SECRETARIAT JAMMU/KASHMIR
(Legal Section)

Subject: - CCP(s) No. 324/2022 in SWP No. 1214/2017 titled Ravi Singh Vs UT of J&K & Ors.

Government Order No: 154 - JK(Edu) of 2023.
Dated: 06 - 06 - 2023.

Whereas, Ravi Singh and anr filed a writ petition before the Hon'ble High Court and has sought following reliefs:-

a. Commanding the respondents to elevate the petitioners as Incharge Lecturer in the discipline of Stenography as the petitioners are coming under the zone of consideration as per communication dated 17.06.2014 issued by the respondents No. 1 in which their names have been shown at serial No. 23 and 24 under ALC category and their verification has also been conducted by a committee constituted by the respondent No. 2 and the report of the same has been submitted by respondent No. 2 to the respondent No. 1 vide communication dated 13 .10.2015.

b. Commanding the respondents to grant all consequential benefits in favour of the petitioners as the petitioners were entitled for their elevation from the date from which their juniors/similarly situated persons were elevated as Incharge Lecturers in the discipline of Stenography i. e. in the year 2013.

Whereas, the Hon'ble High Court vide its order dated 18.05.2017 has disposed of the writ petition, the operative part is reproduced as under:-

".....In view of the aforesaid submission and in fact situation of the case, this writ petition is disposed of with a direction that in case petitioners submit a representation to the competent authority with regard to their claims for placing as Incharge Lecturer in the discipline of Stenography since 2013 with all consequential benefits, the competent authority shall decide the claims of the petitioners by a speaking order within a period of three months from the date of receipt of such representation bearing in mind the recommendations made by the committee headed by the Joint Director. With the aforesaid direction, the writ petition along with MP stands disposed."

Whereas, the petitioners filed contempt petition bearing CPSW No. 528/2018 titled Ravi Singh Vs Alok Kumar before the Hon'ble High Court.

Whereas, pursuant to the directions of the Hon'ble High Court, case of the petitioners was examined in the department and it was found that when the placement of eligible PG Masters/Teachers (Stenography) as I/c Lecturer (Stenography) was made in the year 2013 i.e. vide G.O No. 424-Edu of 2013 dated 30.03.2013 (including Mr. Jagdev Singh under ALC category) on the basis of final seniority list of PG Masters/ Teachers in the discipline of Stenography issued vide G.O No. 398-Edu of 2013 dated 29.03.2013, the name of both the petitioners were not existing anywhere in the seniority list. So the petitioners were not eligible for their elevation/promotion at that time.

Whereas, as per the guidelines of reservation in promotion issued by the General Administration Department from time to time, it becomes clear that all the employees belonging to the reserved category are to be considered for promotion/confirmation/ regularization only if they are eligible for same as per their own seniority irrespective of the category they belong to.

Whereas, the petitioners at this point of time cannot be considered for his elevation/ promotion as I/c Lecturer (Stenography) under the ALC category, however, they may be considered for their promotion purely on the basis of their own/ actual seniority position.

Whereas, as per the final seniority list issued vide Government Order No.199-Edu of 2020 dated 04.09.2020, 31/36 (approximately) numbers of incumbents from S.No. 28 onwards are senior to both the petitioners respectively and have superior claim for their elevation as I/c Lecturer in the discipline of Stenography well before the petitioners.

Keeping in view, the facts and circumstance of the case and in compliance to the directions of the Hon'ble High Court passed in SWP No. 1214/2017 titled Ravi Singh Vs UT of J&K & Ors, the claim of the petitioners is considered and being not tenable under rules is hereby rejected.

By Order of the Government of Jammu and Kashmir.

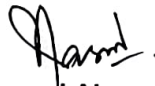
Sd/-
Alok Kumar (IRS)
Principal Secretary to the Government,
School Education Department.

No: Edu-LGL0Jmu(HC)/18/2023-01(7112470)

Dated: 06-06-2023.

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. Raman Sharma Ld. AAG, High Court of J&K & Ladakh for information.
7. Ravi Singh & Anr (Petitioners) 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.

