



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

**Subject: T.A No. 61/321/2022 (SWP No. 1814/2016) titled Kalsoom Begum Vs UT of J&K and others.**

**Government Order No: 278 - JK (Edu) of 2023.  
Dated: 01.09.2023.**

Whereas the petitioner has filed writ petition bearing SWP No. 1814/2016 before the Hon'ble High Court praying for retrospective effect of promotion as per the seniority and eligibility along with all other consequential benefits from the date of entitlement;

Whereas the said writ petition has been transferred to Hon'ble Central Administrative Tribunal and the Hon'ble Central Administrative Tribunal vide its order 15.02.2022 disposed of the T.A No. 61/321/2022 with the following order:-

***"Looking to the limited prayer made by the learned counsel for the applicant, the T.A. is disposed of with direction to respondents to treat the T.A. as representation of the applicant and dispose of the same by passing a reasoned and speaking order within a period of eight weeks from the date of receipt of a certified copy of this order. A copy of the speaking order be communicated to the applicant."***

Whereas, pursuant to the directions of the Hon'ble High Court the case of the petitioner was examined in the Department and found that as per Circular No. Edu/V/22/2003 (Math) dated 20.02.2003, a combined tentative seniority list of PG Masters/Teachers in the discipline of Mathematics as, it stood on 31.12.2002 was issued wherein the name of the petitioner was incorporated at Sty No. 525. The details of the said petitioner viz-a-viz her immediate/junior counterpart in the said seniority is reproduced as under:-

Sty. No	Name of the official	Desig.	DOB	Date of 1st apptt.
523	Mohd Nisar	Teacher	01.02.1968	26.12.1991
524	Qadeer-ul-Rehman	Teacher	27.06.1968	31.12.1991
525	Kulsoom Begum (ST) [Petitioner]	Teacher	15.06.1966	07.01.1992
526	Ajaj-ul-Muzafar	Teacher	18.03.1962	04.05.1992
527	Kamal Kishor	Teacher	20.03.1966	01.06.1992

*[Handwritten signature]*

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Whereas, the petitioner/applicant has applied for 10+2 Lecturer Mathematics through Public Service Commission and selected as 10+2 Lecturer Mathematics by the J&K Public Service Commission vide Notification No. PSC/DR/Mathematics/10+2/2005-06 dated 17.02.2009. The applicant joined the said service (afresh service) as 10+2 Lecturer (Direct Recruitment);

Whereas, her immediate senior/junior are still working as Master in the Department and yet to be elevated as I/c Lecturer. However, the petitioner/applicant has joined the higher cadre/service in the School Education Department as 10+2 Lecturer by (Direct Recruitment) in the year 2009 thereby demitting her earlier Non-Gazetted service/post i.e. Teacher as rendered in the School Education Department. Hence, the services of the petitioner cannot be considered for her seniority in the new cadre (Gazetted) i.e. Lecturer (Mathematics) on the basis of her previous service i.e. before her appointment as 10+2 Lecturer (Direct Recruitment);

Keeping in view, the facts and circumstance of the case and in compliance to the directions of the Hon'ble High Court passed in T.A No. 61/321/2022 titled Kalsoom Begum Vs UT of J&K and others, the claim of the petitioner is 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.

No: Edu-LGL0Jmu(CAT)/46/2022-01(175859)

Dated: 01.09.2023.

**Copy to the: -**

1. Joint Secretary (JK&L) 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 Jammu for information.
7. Smt. Kalsooma Begum (Petitioner) 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.