

GOVERNMENT OF JAMMU AND KASHMIR  
SCHOOL EDUCATION DEPARTMENT  
CIVIL SECRETARIAT, J&K  
\*\*\*\*\*

**Subject:** CPSW No. 623/2017 in SWP No. 912/2003 titled Satyinder Kumar Vs J&K State & Ors.

**Government Order No:** 29 - JK (Edu) of 2023

**Dated:** 25 .01.2023

Whereas, the School Education Department issued Government Order No. 1491-Edu of 2002, dated 31.12.2002, whereby the services of Lecturers in the discipline of Mathematics were regularized. The petitioner contended that the respondents without considering the lawful genuine claim of the petitioner gave the benefit of promotion to the private respondents. Feeling aggrieved of this, he challenged the aforesaid Government Order No. 1491-Edu of 2002 through the medium of SWP No. 912/2003 titled Satyinder Kumar & Ors Vs State & Ors before the Hon'ble High Court of J&K & Ladakh at Jammu;

Whereas, the Hon'ble High Court vide order dated 05.08.2005 disposed of the writ petition with the following directions:

*"Petitioner has assailed Government Order No. 1491-Edu of 2002, dated 31.12.2002, whereby I/c Lecturers in the discipline of Math have been regularized irrespective of seniority in the feeding channel. This order has been quashed in batch of petitions vide judgment dated 03.08.2005 (SWP No. 17/2003 Amrit Sagar & Ors with other connected matters) wherein following directions were issued:*

*I allow these writ petitions and quash the impugned order dated 31.12.2002 as regard discipline of Math. As a consequence of quashment of impugned order, the resultant vacancies of lecturers in the discipline of Math are directed to be filled-up on the basis of seniority and in accordance with the J&K Education (Gazetted) Services Rules 1992.*

*Case of the petitioner is squarely covered by aforesaid judgment. This petition is allowed and disposed of in terms of aforesaid judgment."*

Whereas, after the above said court directions, a bunch of LPA's bearing No. LPA(SW) 168/2007, MP No. 192/2007, C/W LPA SW No. 10/2006, LPA SW No. 162/2005, MP No. 174/2005 were preferred against the said judgment and same were dismissed by the Hon'ble High Court on 18.11.2006 with following decision:

*"There was no representation on behalf of the appellants on 16.11.2006 and the matter was directed to be listed on 18.11.2006 under the caption 'for dismissal'. Position continues to be same as on today also.*

*These appeals are accordingly dismissed for default of appearance and non-prosecution."*

Whereas, the petitioner has also initiated contempt proceedings against the respondents bearing CPSW No. 632/2017 before the Hon'ble High Court;



Whereas, pursuant to the directions of the Hon'ble High Court Jammu, case of the petitioner has been examined by the Department and it has been found that he has been regularized as per his seniority and availability of vacancy strictly as per Government Order No. 743-GAD of 2007, dated 28.06.2007. Furthermore, no junior counterpart of the petitioner has been given regularization effect prior to the petitioner;

Now, therefore, in compliance to the direction passed by the Hon'ble High Court dated 05.08.2005, in SWP No. 912/2003 titled Satyinder Kumar Vs J&K State and Others, the claim of the petitioner has been considered in the Department and being devoid of merit 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)/120/2021-01 (C.No. 91223)

Dated: 25.01.2023.

Copy to the: -

1. Joint Secretary (JK&L) Ministry of Home Affairs, Government of India.
2. Secretary to the Government, General Administration Department.
3. Director School Education, Jammu for information.
4. OSD with the Advisor (B) to the Lieutenant Governor, UT of J&K for information.
5. Chief Education Officer concerned for information.
6. Private Secretary to the Principal Secretary to Government, School Education Department for information.
7. Sh. Satyinder Kumar (Petitioner) for information.
8. I/c Website for uploading the same on official website.
9. Government Order File/Concerned File (w.2.s.c).

Copy also to Sh. Raman Sharma Ld. AAG, High Court of J&K and Ladakh for information.

  
**(Masood Ahmad Wani)**  
Deputy Secretary to the Government.

