



GOVERNMENT OF JAMMU AND KASHMIR  
SCHOOL EDUCATION DEPARTMENT,  
CIVIL SECRETARIAT JAMMU/KASHMIR  
(Legal Section)  
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Subject: - CPSW No. 662/2018 in SWP No. 1015/2018 titled Tahir Jamsheed VS Rigzin Sampheal.

Government Order No: - 90-JK(Edu) of 2023

D a t e d: - 31-03 - 2023

Whereas, the petitioner Tahir Jamsheed filed a writ petition before the Hon'ble High Court of J&K at Jammu. The petitioner has prayed to Command the respondents more particularly respondent No. 1 to accord consideration to the representation of the petitioner in term of rule 11(b) of SRO 520 dated 21st December, 2017 issued by the Government of Jammu & Kashmir which provides engagement as casual worker on the recommendation of committee to be constituted in concerned Administrative Department and to be headed by the Administrative Secretary concerned by passing a reasoned/speaking order within some time frame.

The Hon'ble High Court vide order dated 25.05.2018 has disposed of the matter with the following direction:-

*" Keeping in view the submission made by the learned counsel for the petitioner and the nature of relief claimed for, it would serve no purpose to keep this petition pending in this court and the same is therefore taken up for consideration and disposed at this stage. Accordingly respondent No. 3(Chief Education Officer Doda) is directed to consider the representation of the petitioner. if any, pending before him or respondent No. 4 (Zonal Education Officer Doda) and take an appropriate decision thereon, as may be warranted under law. the provision of SRO 520 dated 21.12.2017, if applicable in this case shall also be taken note of. Let a decision directed to be taken within four weeks from the date a certified copy of this order is made availability by the petitioner to the concerned respondents."*

*uf*

The Petitioner has filed review petition No. 14/2018 before the Hon'ble High Court has prayed the following reliefs:-

Direct the respondent No. 2 to 4 to forward the case of petitioner to the competent authority i.e respondent No. 1 and the said respondent No. 1 may further be directed to take appropriate decision in the matter in terms of provisions of SRO 520 of 2017 dated 21.12.2017 within some specified period may be deemed just and proper by this Hon'ble Court.

The Hon'ble High Court vide order dated 30.07.2018 in CONSW No. 42/2018, Rev No. (SWP) 14/2018 in SWP 1015/2018 has been pleased to pass the order which is reproduced as under:

*".....Accordingly, respondent No. 1 is directed to consider the representation of the petitioner stated to be pending before him and take an appropriate decision thereon as may be warranted under law. The provisions of SRO 520 dated 21-12-2017, if applicable, in this case, shall be taken note of. Let a decision as directed be taken within four weeks from the date a certified copy of this order is made available by the petitioner to the concerned respondents."*

Whereas, in pursuant to the directions of the Hon'ble High Court Jammu the representation of the petitioner was examined in the department and a detailed factual report was sought from the Director School Education Jammu. Director School Education Jammu vide communication dated 08.03.2023 has submitted the report alongwith the relevant documents. The documents were perused and it has been found that neither the father of the petitioner namely Mohd Ajmal Ganai nor the petitioner namely Tahir Jamshed R/o Village Udyanpur Dulyog, Teshil Bagla Bharath District Doda has donated any land for the construction of the school building at UPS Dulyoge.

Whereas, the Government UPS Dulyoge is constructed on the donated land of the Sh. Abdul Rashid Ganai s/o Mohammad Rustom Ganai R/o Dulyoge Udyanpur Teshil Bagla Bharath District Doda and registration to the effect has been done by sub-registrar Doda vide G.R No. A-3809152 dated 07.07.2020 through a gift deed

*mf*

and Teshildar Barath Bagla has mutated the revenue record in favour of the School Education Department.

Keeping in view, facts and circumstance of the case and in compliance to the directions of the Hon'ble High Court passed in CPSW No. 662/2018 & SWP No. 1015/2018 titled Tahir Jamsheed Vs State of J&K and others, the claim of the petitioner has 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)**

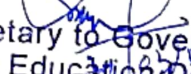
Principal Secretary to the Government  
School Education Department

No:- Edu-LGL0Jmu(HC)/28/2021-01

Dated:- 31-03-2023

**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. Sh. Raman Sharma Ld. AAG, High Court of J&K & Ladakh 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. Tahir Jamsheed (Petitioner) for information.
8. I/C Website for uploading the same on Official website.
9. Government Order File/Concerned File(w.2.s.c

  
Dy. Secretary to Government  
School Education Department  
**Umesh Sharma JKAS**

Deputy Secretary to the Government  
School Education Department