



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

Subject:- CPSW No.705/2018 in SWP No.2044/2017 titled Shiv Devi V/s Ajit Kumar Sahu & Ors.

GOVERNMENT ORDER No: - 248- JK (Edu) of 2025

DATED: - 26 - 03-2025

Whereas, the petitioner had filed SWP No. 2044/2017 before the Hon'ble High Court praying for following reliefs:-

1. Commanding the respondent authorities to regularize the services of the petitioner against the post of ZEO from the date the petitioner has been working against the post of ZEO i.e 02.02.2005.
2. Commanding the respondents to regularize the services of the petitioner as Principal w.e.f. 15.10.2009 over and above the private respondents.
3. Commanding the respondents to suitably place the petitioner in the seniority list of the Principal over and above the private respondents.
4. Commanding the respondents to consider the petitioner to the grant of further promotion against the post of CEO.

Whereas the Hon'ble High Court vide order dated 18.12.2017 has disposed of the writ petition with the following order:-

"Since the issue has to be considered by the respondents authorities at the first instance, the writ petition stands disposed of with a direction to the respondents authority concerned to accord consideration to the claim of the petitioner for appropriate posting as Zonal Education Officer and thereafter Principal based on her merit, ability and entitlement. The petitioner is entitled to make representation in this regard enclosing legal position which she may rely upon for the purpose of regularization. It is desirable that the competent authority will take a decision in the matter expeditiously, preferably within a period of four to six weeks from the date of receipt of certified copy of this order".

Whereas, thereafter the petitioner filed contempt petition No. 705/2018 before the Hon'ble High Court. The contempt petition was

1/1

listed on 12.03.2025 before the Hon'ble High Court, and the Hon'ble High Court has passed the following directions:

"...A perusal of the compliance report reveals that the case of the petitioner is submitted for review before the special DPC and relevant documents including her vigilance clearance have been requested.

The statement of facts has been filed by the Financial Commissioner/Additional Chief Secretary, School Education Department. He shall ensure that the special DPC is convened before 20.03.2025. Issues with regard to the vigilance clearance shall be taken care of by the Director, Anti Corruption Bureau positively.

It needs to be noted that the petitioner is due to retire in the month of March 2025. Copy of this order be sent to the Director, Anti Corruption Bureau for compliance."

Whereas, case of the petitioner was examined by the Department, and vide O.M. No. Edu/HRM/201/2022-01, dated 17.05.2023 General Administration Department was requested to drop the allegations leveled against the officers/officials, with a warning to Smt. Shiv Devi, Ex-ZEO Ghagwal, to exercise greater care in the future while performing her duties, in accordance with the report/recommendation of the Mission

Whereas, General Administration Department, vide O.M. No. GAD-VIGORDA/82/2022-02-GAD, dated 09.10.2023 has requested that before accepting the Action Taken Report (ATR) submitted by the School Education Department for closing the case, the Department shall provide necessary certification confirming that no sub-standard material was utilized in the construction in question.

Whereas, the Department, vide communication No.Edu/HRM/201/2022-01, dated 21.11.2023 requested Director School Education, Jammu to furnish the necessary certification as required by the General Administration Department. The Department subsequently passed an exoneration order in favor of the petitioner, as reflected in Government Order No. 317-JK(Edu) of 2024, dated 09.08.2024.

Whereas, the Department has taken every step to implement the order of the Hon'ble High Court dated 18.12.2017 and vide communication No. DSEJ/Gaz/21127-28, dated 07.09.2024 Director School Education, Jammu has furnished the requisite documents i.e. posting details, APRs, Work, Conduct & Integrity Certificate for further course of action. Vide Form No. 317793, posting details of the incumbent have been uploaded on designated portal to obtain Vigilance Clearance in her favour from GAD/ACB.

Now, therefore, in light of the facts and circumstances of the case, and in compliance with the judgment/order dated 18.12.2017 passed in SWP No. 2044/2017, as well as the order dated 12.03.2025 passed in CPSW No. 705/2018 titled Shiv Devi v. Ajit Kumar Sahu & Ors., claim of the petitioner is hereby considered, and sanction is accorded to the regularization as Zonal Education Officer (ZEO) with effect from 02.02.2006 (date of placement as ZEO as per GAD Order No. 743-GAD of 2007) and regularization as Principal with effect from 01.03.2012 (at par with her immediate junior counterpart). However, such regularization shall remain subject to the outcome of the vigilance clearance and further ratification by DPC/PSC.

It is further ordered that:-

1. The above promotions shall be without prejudice to the outcome of the writ petition(s), if any, pending before the competent court(s) of law.
2. The claim of arrears shall be subject to instructions from Finance Department.

Sd/-

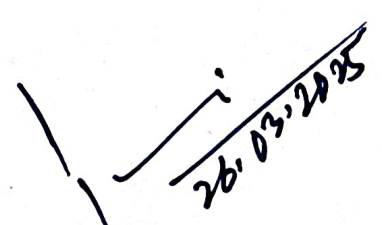
Shantmanu, (IAS)
Financial Commissioner (Additional Chief Secretary)
School Education Department.

No:- Edu-LGL0Jmu/22/2021-01

Dated:- 26.03.2025

Copy to the:-

1. Joint Secretary (J&K) Ministry of Home Affairs, Government of India.
2. Director School Education Jammu for information and necessary action.
3. OSD to Hon'ble Minister for School Education Department for information.
4. Concerned Ld. AAG, Hon'ble High Court, Jammu for information.
5. Private Secretary to Financial Commissioner, (Additional Chief Secretary), School Education Department for information.
6. Shiv Devi (Petitioner) for information.
7. I/C Website for uploading the same on official website.
8. Government Order File/ Concerned File (w.2.s.c).


(Thannaji Bhat),
Under Secretary to the Government,
School Education Department.