



**Government of Jammu and Kashmir
School Education Department**

Civil Secretariat, J&K

Subject: TA No. 33/2022 in SWP No. 09/2017 titled Mohd Azam & Another Vs state & Ors.

Government Order No: 326 -JK(Edu) of 2025.

D a t e d: 22 .04.2025.

WHEREAS, the petitioner has filed SWP No. 2806/2015 titled Mohammad Azam & Anr Vs State & Ors before the Hon'ble High Court prayed for the following relief:-

- Commanding the respondents to regularize the petitioners w.e.f. 01.09.1999 from the date three Headmasters name in the petition were regularized as Headmasters.
- Commanding the respondents to decide the representation of the petitioners dated 21.10.2012 for giving retrospective effect notionally, minority, seniority and regularization w.e.f. 22.01.2003 from the date the petitioners were promoted as Incharge Headmasters with a further prayer commanding the respondents to give notionally, minority, seniority to the petitioners w.e.f. 22.01.2003 further.
- Commanding the respondents to fix the salary and pension of the petitioners by giving notional benefit of seniority w.e.f. 22.01.2003; may also quashing Government order No. 684-Edu of 2012 dated 04.09.2012 in respect of the petitioner being illegal, arbitrary and malafide.

WHEREAS, the Hon'ble High Court vide order dated 14.10.2015 has disposed of the writ petition with the following order:-

"...Given the nature of the grievance of the petitioners, prayer is allowed and this writ petition is admitted and disposed of with a direction to respondent No. 1/Commissioner Secretary, School Education Department to accord consideration to the representation of the petitioner without any unnecessary delay. petitioner(s) may submit a fresh representation along with the copy of aforementioned representation and a copy of this order in the office of respondent No. 1 and respondent No. 1 shall do good by according consideration to and taking a decision within a period of six weeks thereafter."

WHEREAS, the Department vide Government Order No. 179-Edu of 2016 dated 23.05.2016 considered the claim of the petitioners and same being devoid of any merit was rejected; and

WHEREAS, the said Government Order dated 12.04.2017 was challenged by the petitioner by way of filing writ petition bearing No. 09/2017 titled Mohd Azam Vs State of J&K & Ors before the Hon'ble High Court wherein prayed as under:-

Mandamus:

Commanding the respondents to regularize the petitioners as Head Master w.e.f. 28-04-2000 from the date petitioner - 1 was placed as I/C Head Master, and petitioner -2 may be regularize as Head Master since 17-03-2003 from the date he was placed as I/C Head Master with all benefits including monitory benefit: with further prayer commanding the respondents to fix pension of the petitioner after regularizing the petitioners from the said date and may also consider the petitioners for regularization in view of judgement passed by this Hon'ble Court dated 28-04-2015 in SWP No 490/14 and in view of other judgment also.

b) Certiorari:

Quashing Government order No 179-EDU of 2016 dated 23-05-2016 and also quashing the order of regularization of the petitioner w.e.f 01-06-2007 and 01-08-2007 respectively being illegal, arbitrary and malafide.

WHEREAS, the Hon'ble High Court has transferred the case of the petitioner to the Hon'ble Central Administrative Tribunal; and

WHEREAS, the Hon'ble Central Administrative Tribunal Jammu vide order dated 22.03.2024 has disposed of the TA with the following order:-

Accordingly, the Transferred Application is disposed of with a direction to respondents to treat a copy of this Transferred Application as representation of the applicant and decide the same by passing a reasoned and speaking order, as per rules keeping in view the judgment dated 15.03.2022 passed by the Hon'ble Supreme Court of India in Civil Appeal No. 3968 of 2009, titled "B.S. Murthy and Ors. versus A. Ravinder Singh and Ors.". Respondents are further directed to communicate the order so passed to the applicants. The whole exercise shall be undertaken within a period of six

*weeks from the date of receipt of certified copy of this order.
Ordered accordingly.*

However, there shall be no orders so as to costs.

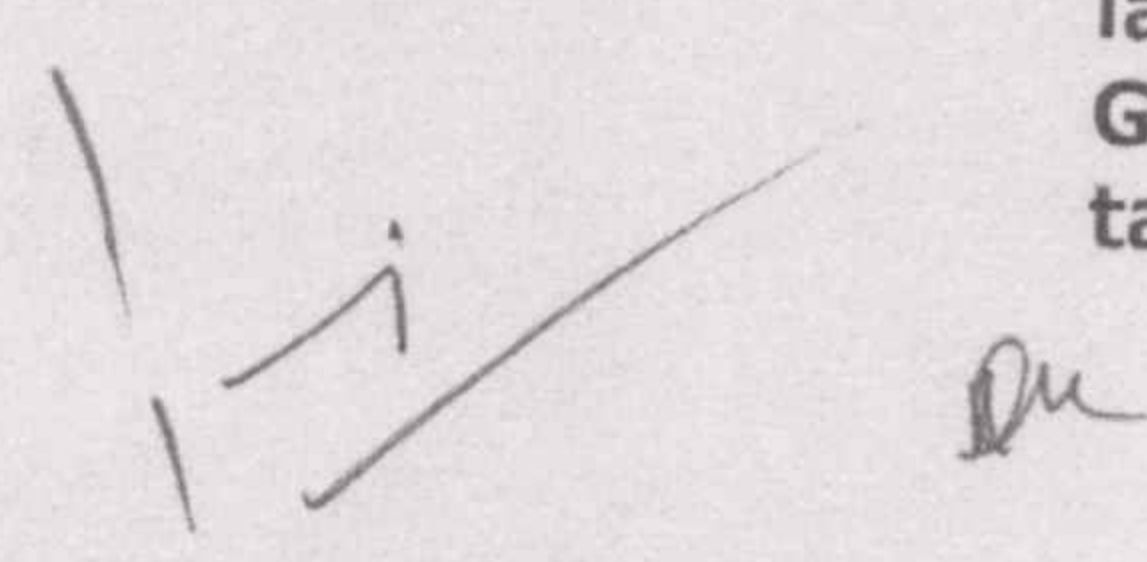
WHEREAS, the petitioners namely Mohd Azam and Abdul Rehman were appointed as Teacher (on 02.04.1973 and 07.12.1976) and promoted Master (17.10.1992) and then Headmaster (28.04.2000 & 17.03.2003) respectively; and

WHEREAS, thereafter, petitioner-1 was regularized as Headmaster w.e.f. 01.06.2007 and petitioner-2 w.e.f. 01.08.2007. They have requested that their regularization as Headmaster should be from the date when they were placed incharge Headmaster i.e. w.e.f. 28.04.2000 and 17.03.2003 respectively; and

WHEREAS, as per records available in the Department and the DPC meeting held in the year 2012 regarding regularization of Incharge Headmasters as Headmasters, there are 3911 Headmasters & Equivalent, who had worked in Incharge capacity in the School Education Department. Only 2533 Incharge Headmasters & Equivalent were cleared for regularization against 2533 vacancies available in the cadre w.e.f. 09/1999 upto 30.12.2011, from the dates vacancies had fallen vacant, date of eligibility or date of placement, whichever is later, as reflected in the eligibility statement (regularization of 4 incumbents was kept under sealed cover); and

WHEREAS, the applicants/petitioners have sought their regularization as Headmasters from the date(s) when they were promoted as Incharge Headmasters. In this connection, it is to submit that the regularization of the applicants/petitioners has been made purely in terms of Government Order No. 743-GAD of 2007, dated 28.06.2007 issued by the General Administration Department which provides as under:

"Promotion of a Government employee shall take effect from the date, he has been formally put incharge of the higher post, subject to his eligibility in accordance with the recruitment rules and availability of the vacancy. His clearance/regularization shall take effect from the date of his placement against the higher post or availability of vacancy or the date of his eligibility, whichever is later. In all other cases, the promotion of a Government employee to the next higher post shall take effect from the date of issuance of the order."



WHEREAS, the regularization effect which was given to the petitioners has been given correctly on the basis of criteria for regularization as laid down under norms in vogue i.e. date of placement or availability of vacancy or date of eligibility whichever is later as per Government Order No.743-GAD of 2007, dated 28.06.2007.

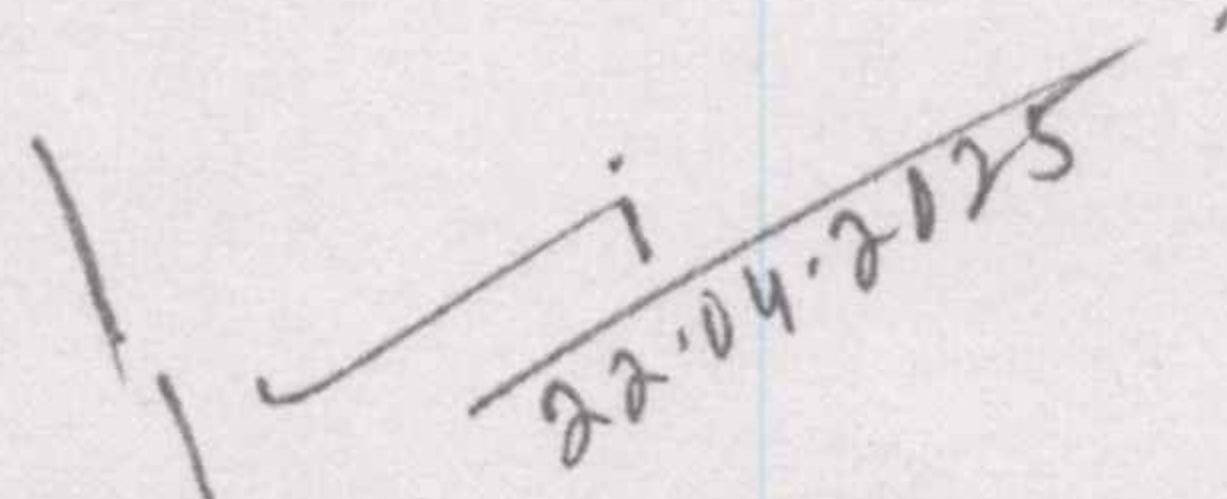
NOW THEREFORE, keeping in view the above facts of the case, claim of the petitioners / applicants seeking regularization as Headmasters from the date of their placement is devoid of merit and is hereby rejected .

By order of the Government of Jammu and Kashmir.

Sd/-
(Shantmanu) IAS
Financial Commissioner,
(Additional Chief Secretary)
School Education Department

No: Edu-LGL0Jmu(CAT)/117/2024-01/7438984 Dated: 22 -04-2025
Copy to the:

1. Joint Secretary, (J, K & L), Ministry of Home Affairs, Government of India.
2. Director, School Education Kashmir/Jammu.
3. Concerned Chief Education Officer.
4. Private Secretary to Financial Commissioner, (Additional Chief Secretary), School Education Department.
5. I/c Website for uploading the Order.
6. Concerned .
7. Government Order file (w.2.s.c


(Thannaji Bhat)

Under Secretary to the Government

