



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

Subject:- CP No. 298/2024 in O.A No. 61 /1298/2022 titled Sanjay Kumar vs School Education Department.

**GOVERNMENT ORDER NO: -85 - JK (Edu) of 2025**

**DATED: - 31 - 01-2025**

**Whereas**, vide Government Order No. 364-Edu of 2019 dated 24.10.2019, 12 PG Masters/Teachers were placed as I/c Lecturers in the discipline of Information Technology/IP subject to fulfillment of certain conditions as laid down in the said placement order. The applicant Sanjay Kumar is figuring at S.No. 10 of the said order. In the said placement order, it has clearly been mentioned that the Director School Education, Kashmir/Jammu shall verify the Post Graduate Degrees obtained during service through distance mode in light of the Government Order No. 940-Edu of 2017 dated 17.11.2017 and shall allow such Masters/Teachers to join only when the PG Degrees are found genuine.

**Whereas**, Director School Education, Jammu has not issued the adjustment order in favour of the petitioner at relevant point of time due to the reason that he had obtained Degree in MCA and was promoted as I/c Lecturer in the discipline of Information Technology/IP, hence required equivalence. Due to this, the said teacher has not been adjusted as I/c Lecturer so far.

**Whereas**, the applicant Sanjay Kumar has filed Original Application before the Hon'ble Central Administrative Tribunal, Jammu wherein prayer for the following reliefs:-

- i. To direct the respondents to issue the formal order of adjustment/posting of the applicant as Lecturer pursuant to his placement as In-charge Lecturer in the discipline of Information Technology/ IP made in terms of Government Order No.364 of 2019 dated 24.10.2019 issued by respondent No.1.

**Whereas**, the Hon'ble Central Administrative Tribunal vide order No. 14.09.2022 has disposed of the Original Application with the following directions:-

*".....I have considered the submissions made by the Ld. Counsels for both the sides and perused the material on record. Without commenting on the merits of the case, the O.A. is disposed of at this stage, with direction to respondents to treat a copy of this O.A. as representation of the applicant and take a decision on the same, as per relevant rules and regulations, by passing a reasoned and speaking order within a period of four weeks from the date of receipt of a certified copy of this order. Till a speaking order is passed, juniors to the applicant shall not be posted/promoted."*

**Whereas**, the case of the applicant has been thoroughly examined in the department, and upon such examination, it has been found that the petitioner has obtained MCA Degree from IGNOU (distance mode) on 11.08.2015 (session 2012-14) during active service. For the said purpose, permission was granted in his favour by the CEO, Reasi vide No. CEO/Rsi/7899-04 dated 24.08.2012. Further, after completion of the said degree, post-facto permission was also granted in his favour by the CEO, Reasi vide No. CEO/Rsi/Esstt/117-30 dated 04.04.2018 with the approval of Director School Education, Jammu for making entry in his service records. However, prior permission for acquiring higher qualification has to be obtained from the Competent Authority i.e. Administrative Department.

Whereas, the verification committee in the Directorate of School Education, Jammu has certified that the case of the official (petitioner) has been fulfilled in terms of Government Order No. 940-Edu of 2017 dated 17.11.2017 except only equivalence issue involved, that whether MCA candidate may be considered for promotion as Lecturer, IT.

Whereas, as per the recruitment rules in vogue for direct appointment as 10+2 Lecturer in the disciplines of Information Technology/Computer Science as well as by promotion method, the requisite academic qualification as prescribed is:

**For Information Technology:** M.Sc in Information Technology from recognized University.

**For Computer Science:** MCA from recognized University or DOEACC B Level course.

It is worthwhile to mention here that meeting of the Standing Committee constituted vide Government Order No. 1384-GAD of 2018 dated 12.09.2018 for

equivalence of Degree/qualifications was held on 06.09.2021. The said committee has decided/recommended that **M.Sc Computer Sciences** are equivalent with **Master Degree in Information Technology (IT)**.

Whereas, the applicant/petitioner has obtained **MCA** Degree from IGNOU (Distance Mode) on 11.08.2015 (Session 2012-14) during active service. Further, Registrar University of Jammu vide his communication No. F.Acd/III/21/8888, dated 02.11.2021 has opined as under:

“As regard to the equivalence of the above two programmes there is no doubt that MCA programme is certainly better than M.Sc, IT programme. Both of these programmes are being offered by the University of Jammu and other institutions within the UT of Jammu and Kashmir. Looking in to the nomenclature of these two programmes I would like to put on record that these two programmes are offered in the field of Computer Science and Information Technology. The syllabus and course structure of these two programmes do not vary more than 10 percent. MCA programme is of three years duration whereas M.Sc. IT is of two years duration. More than 90% of course content of M.Sc. IT is covered in MCA. Further, MCA being a three years course contains more courses than M.Sc. IT which is a two years programme. Hence MCA is a superior degree than M.Sc. Information Technology.

Further, a person who is having an MCA degree can be made eligible for any position related to Computer Science and IT, but the vice-versa is not true i.e. a person who is simply M.Sc. IT cannot be made eligible for Jobs in Computer Science.

Therefore, I would say that with regard to the position of Lecturer in School Education Department in the discipline of Information Technology, the candidates who are holding MCA degree must be made eligible for the position as such candidates are literally more qualified than candidates holding M.Sc. IT degree.”

Whereas, pursuant to Government Order No. 188-JK(Edu) of 2024, dated 15.03.2024, the Department has granted one-time exemption to teaching and non-teaching staff of the School Education Department who have obtained higher qualifications through distance/online mode during their service, without prior approval from the Administrative Department. In this regard, two Committees have been constituted within the respective Directorates to verify the post-graduate degrees of such individuals. Furthermore, through communication dated

13.11.2024, the Department requested the Directorate of School Education, Jammu (DSEJ), to submit the case of the Applicant in accordance with Government Order No. 188-JK(Edu) of 2024 dated 15.03.2024.

Whereas, upon further examination, it was found that the Director School Education, Jammu, had already forwarded the Applicant's recommendation for post-facto approval, and the case of the Applicant is positioned at Serial No. 632.

Whereas, the Contempt Petition was also filed by the applicant and the contempt petition was scheduled for hearing on 19.12.2024, and the Hon'ble Central Administrative Tribunal (CAT) passed the following order:-

**"...Four weeks' time as a matter of last opportunity is granted to the contemnor to file compliance report failing which contemnor would remain present before this Tribunal on the next date of hearing and explain why the contempt proceeding would not be initiated against them for not filing the compliance of order.List on 11.02.2025"**

Now, therefore, in view of the facts and circumstances of the case and in compliance with the judgment/order dated 14.09.2022 ,passed in OA No. 1298/2022 and order dated 19.12.2024 in CPSW No. 298/20024 titled Sanjay Kumar vs School Education Department having regard to the rules and regulations governing the field, it has been found that the claim of the applicant found to be genuine in all respects and, the applicant, sanjay kumar is adjusted against a clear vacancy in HSS Dablehar, Zone III, Jammu.

The above placement is subject to the following conditions:

- i. It shall not confer any preferential claim or right to the official for seeking regularization/confirmation which shall be considered strictly as per set procedure and clearance by DPC/PSC and shall be subject to the outcome of writ petitions, if any, pending before the court(s) of law.
- ii. The incumbent(s) shall join at new place of posting(s) within two weeks, failing which it shall be presumed that he/she has forgone the placement and the same shall be cancelled abinito.



- iii. The I/C lecturer(s) shall submit an undertaking to the concerned Chief Education Officer stating therein that in case his service particulars /academic credentials are found fake/forged/tampered or issued by an unrecognized university at any stage, he shall have no claim on the placement and same shall be cancelled ab-initio without any further notice.

**By order of the Government of Jammu & Kashmir.**

Sd/-

Suresh Kumar Gupta, (IFS)  
Principal Secretary to the Government  
School Education Department.

No:- Edu-LGL0Jmu(CAT)/228/2022-04

Dated:- **31** -01.2025

**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 Central Administrative Tribunal at Jammu for information.
5. Private Secretary to Principal Secretary to the Government, School Education Department for information.
6. Sanjay Kumar (Applicant) for information.
7. I/C Website for uploading the same on official website.
8. Government Order File/ Concerned File (w.2.s.c).

*31.01.2025*

**(Thannaji Bhat),**

Under Secretary to the Government,  
*Th* School Education Department.