



GOVERNMENT OF JAMMU AND KASHMIR
SCHOOL EDUCATION DEPARTMENT,
CIVIL SECRETARIAT, J&K
(e-mail:-eduschlegal2021@gmail.com)

Subject: C.P No. /2023 in OA No. 699/2023 titled Fahmida Bano Vs UT of J&K and others.

**GOVERNMENT ORDER NO. 136 - JK (Edu) of 2024
DATED: 27.02.2024**

Whereas, the applicant has filed above titled OA before the Hon'ble Central Administrative Tribunal at Srinagar wherein the applicant has prayed for following relief:-

- 1) Direct the official respondents to consider regularization of services of the applicant as Senior Headmaster from 02.01.2008, the date she became eligible as I/C Sr. Headmaster, on the same analogy as has been adopted in case of employees figuring at S.No. 1 to 9 and 60 in the list forming Annexure "A" to Government Order No. 93-JK (Edu) of 2023 dated 12.04.2023 with all consequential benefits.

Whereas, the Hon'ble Central Administrative Tribunal at Srinagar disposed of the above OA vide order dated 05.09.2023 at its threshold with the following order/directions:-

"In view of the limited prayer made by the Learned Counsel for the applicant, the respondents are directed to treat the instant OA as representation of the applicant and consider the same and other representations, filed by the applicant within a period of six weeks from today, in accordance with rules, by passing a speaking and reasoned order."

Whereas, in compliance to the directions of the Hon'ble Central Administrative Tribunal, Srinagar the case of the applicant was examined and found that the applicant was appointed as Teacher on 06.09.1971. The applicant was promoted as Master on 25.03.1982 and Headmaster on 03.08.2001. The applicant was further promoted as I/C Sr. Headmaster on 17.09.2007;

Whereas, as per the eligibility list of regularization of Headmasters (worked/working) as I/C Zonal Education Officers & equivalent, the applicant retired from active service on 30.06.2008 i.e. before accrual of vacancy;

Whereas, the eligibility list was strictly prepared on the basis of criteria of regularization as laid down under norms in vogue i.e. date of placement, availability of vacancy, date of eligibility whichever is later. The Department has regularized the eligible incumbents/officers from the date, they had actually held the post of Incharge Headmaster in capacity 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, a Departmental Promotion Committee (DPC) meeting was held on 12.01.2023 in terms of Government Order No.743-GAD of 2007 dated 28.06.2007 issued by the General Administration Department for considering the regularization of I/C Zonal Education Officers as Zonal Education Officers and equivalent from the date of accrual of substantive vacancy;

Whereas, the applicant was also figured in the seniority list and the case of the applicant was also submitted before the Departmental Promotion Committee (DPC) and recommendation of the said Committee in favour of the applicant is tabulated below:-

S. No.	Sty No.	Name	Desig.	D.O.B	D.O.R	Date of confirmation as Headmaster	Date of Promotion as I/C ZEO & G.O dated	Accrual of vacancy	Recommendations of the DPC
1.	200	Fahminda Banoo	I/c ZEO	30.06.50	30.06.08	01.02.03	Sr. Headmaster on 17.09.07	01.01.10	Retired Before Accrual Of Vacancy

Whereas, as per DPC, the Department regularized 424 I/C Zonal Education Officers as Zonal Education Officers and equivalent wherein all the accrued vacancies were utilized w.e.f. 01.04.2008 to 01.04.2022. The applicant retired from active service on 30.06.2008 i.e. before accrual of vacancy.

Now, therefore, after having considered the case of applicant in compliance with the judgment/order dated 05.09.2023, having regard to the rules and regulations governing the field, it has been found that the claim of the applicant does not merit consideration based upon the observations and findings made in the preceding paras and as such the claim of the applicant is being devoid of merit and hence rejected.

By order of the Government of Jammu & Kashmir.

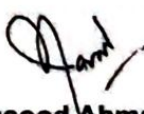
Sd/-
Dr. Piyush Singla (IAS),
Administrative Secretary,
School Education Department.

No: Edu/LGL0Kmr/331/2023-08 (7297928)

Dated: 27.02.2024.

Copy to the:-

1. Joint Secretary (J, K & L) Ministry of Home Affairs, Government of India.
2. Director School Education Kashmir for information and necessary action.
3. OSD with Advisor (B) to the Lieutenant Governor, UT of J&K for information.
4. Private Secretary to Administrative Secretary, School Education Department.
5. Petitioner for information.
6. I/C Website for uploading the same on official website.
7. Government Order File/ Stock File (w.2.s.c).


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

