



GOVERNMENT OF JAMMU AND KASHMIR  
SCHOOL EDUCATION DEPARTMENT  
CIVIL SECRETARIAT, J&K  
(HRM SECTION)

**Subject:** WP(C) No.3166/2019 titled Satinder Singh Pathania & Ors VS UT of  
J&K & Ors.

**Government Order No: 211-JK (Edu) of 2024.**

**Dated: 02.04.2024.**

**Whereas,** Department has received legal notice submitted by Sh. Satinder Singh Pathania and others through Advocate Sh. Ashish Sharma wherein it has contended that the applicants/petitioners filed WP (C) No.3166/2019 seeking promotion to the post of Lecturers in the discipline of Environment Science on the basis of the qualification and seniority of the petitioners as per the J&K Education (Gazetted) Service Recruitment Rules, 1992 and the Hon'ble Court vide order 20-09-2019 disposed of the above said writ petition by directing the respondents to accord consideration to the claim of the petitioners, but till date nothing has been done;

**Whereas,** the Hon'ble High Court vide its order dated 20.09.2019 has passed the following order:-

"....with a direction to the respondents to accord consideration to the claim of the petitioners having regard to the averments made in the writ petition of course under Rules, and pass appropriate orders having regard to judgment referred herein above. It is made clear that the Hon'ble Court has not made any observation with regard to the rights of the petitioners and it would be for the respondents, i.e., Competent Authority to consider the claim of the petitioners on merits. A consideration order be passed within a period of two weeks from the date copy of writ petition along with the documents annexed therewith are made available to the respondents."

**Whereas,** the case was examined and processed in the department vide department's letter dated 22.09.2023, DSE Jammu was requested to furnish complete authenticated service particulars of the incumbents;

**Whereas,** further to submit that following petitioners have contended for promotion as incharge Lecturers in the discipline of Environmental Science. As per records available in the department and a notice dated 30.09.2023, tentative seniority of PG Masters/Teachers in the discipline of Environmental Science was issued. The details of service particulars of the petitioners/ applicants are tabulated below:

S. No.	NAME	DESIG.	PLACE OF POSTING	DATE OF BIRTH	DATE OF 1st APPOINTMENT.	DATE OF PROMOTION AS MASTER	DATE/ YEAR OF PASSING PG	MODE OF ACQUIRING PG	NAME OF THE UNIVERSITY	Course
1	SATINDER SINGH PATHANIA	TEACHER	HSS NAGRI PAROLE	01.06.77	15.04.02	--	31.12.03	DISTANCE	SIKKIM MANIPAL UNIVERSITY	ECOLOGY & ENV.
2	ANU SHARMA	MASTER	HS SHERPUR	05.06.66	06.01.92	07.06.11	10.04.06	DISTANCE	SIKKIM MANIPAL UNIVERSITY	ECOLOGY & ENV.

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3	CHANCHAL RAINA	TEACHER	GMS BADOLI	19.12.77	17.02.09	--	30.12.07	DISTANCE	SIKKIM MANIPAL UNIVERSITY	ECOLOGY & ENV.
4	RITA SHARMA	MASTER	GMS BAGIAL , ZONE - BARNOYI, KATHUA	20.10.70	04.01.96	15.07.11	30.09.06	DISTANCE	SIKKIM MANIPAL UNIVERSITY	ECOLOGY & ENV.
5	SEEMA SHARMA	MASTER	HS DEEJI JAMMU	11.05.67	25.10.89	08.04.07	18.03.03	DISTANCE	SIKKIM MANIPAL UNIVERSITY	ECOLOGY & ENV.

**Whereas,** on perusal of the records and service particulars of the petitioners/ applicants, who are currently employed as Teachers and Masters in the respondent department, holding Postgraduate Degrees in Ecology and Environmental Science obtained from Sikkim Manipal University through distance mode and pursued their PG degree during service except S.No.3;

**Whereas,** in terms of G.O. No.422-JK(Edu) of 2023 dated 08.12.2023, final seniority list of PG Masters/Teachers in the discipline of Environmental Science was issued;

**Whereas,** a mechanism / policy was envisaged vide Government Order No.940-Edu of 2017 dated 17.11.2017, for pursuing higher qualification for in service candidates through regular/distance mode;

**Whereas,** the incumbents, who have obtained their PG degrees through regular/ distance/ private mode during service without obtaining proper permission/leave from the Competent Authority have been incorporated in the seniority list, with the condition that their inclusion in the seniority and further promotion shall be subject to grant of permission for pursuing PG Degree during service by the Competent Authority on merits;

**Whereas,** in respect of certain purported PG courses like Ecology & Environmental, which required equivalence from University of Kashmir/University of Jammu in light of **Government order No.252-HE of 2012 dated 30.05.2012** for promotion as Lecturer in the discipline of Environmental Science and where the concerned Universities have categorically conveyed that such degrees are not equivalent with Post Graduate in Environmental Science pursued in regular mode from University of Kashmir/Jammu, the candidates with such degrees have been deleted from the seniority;

**Whereas,** further, if at later stage it comes in the knowledge of Department that any Member in the cadre who has PG degree not equivalent to that of Environmental Science and inadvertently figures in the seniority list; his case for placement/promotion shall not be considered and he/she be deemed to have been deleted from seniority ab-initio;

Now, therefore, after having considered the case of petitioners/applicants in light of Government Order No.252-HE of 2012 dated 30.05.2012 with regard to promotion as Lecturer in the discipline of Environmental Science as the petitioner acquired PG degree in distance in Ecology and Environmental from Sikkim Manipal University, it has found that the claim of the petitioners is not tenable under rules, based upon the observations and findings made in the preceding paras and as such the claim of the petitioners is hereby rejected.

**By Order of the Government of Jammu and Kashmir.**

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

No:Edu-LGL0Jmu(HC)/149/2022-230255

Dated: 02.04.2024

Copy to the:-

1. Joint Secretary (J, K & L) Ministry of Home Affairs, Government of India.
2. Director, Archives, Archaeology & Museums, J&K.

3. Director, School Education, Jammu/Kashmir.
4. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
5. Chief Education Officer concerned.
6. Concerned for information.
7. PA to Administrative Secretary, School Education Department.
8. I/c Website, School Education Department.
9. Government Order File (w.2.s.c).

*03.04.2024*

(Thannaji Bhat)

Under Secretary to Government

*Thc*