



GOVERNMENT OF JAMMU AND KASHMIR
SCHOOL EDUCATION DEPARTMENT,
CIVIL SECRETARIAT JAMMU/KASHMIR

Subject:- O.A No. 61/574/2022 titled Suneer Bakshi and others V/S UT of J&K and others

GOVERNMENT ORDER NO: 223- JK (Edu) of 2024
DATED: - 03 - 05 - 2024

Whereas, the applicants Suneer Bakshi & Ors have filed Original application before the Hon'ble Central Administrative Tribunal wherein prayer for the following reliefs:-

- i. To accord promotion to the applicants as I/C Lecturers (10+2) in the discipline of Physics on the same analogy on which the Government Order No. 1349-Edu of 2022 dated 28.05.2022 has been passed, whereby number of employees have been promoted as Lecturers (10+2).
- ii. To accord promotion to the applicants in terms of Final Seniority List dated 09.07.2020 on the basis of their seniority position and to grant the benefit of promotion to the applicants from and in terms of order dated 28.05.2022.

Whereas, the Hon'ble Central Administrative Tribunal vide order dated 29.06.2022 has disposed of the issue with the following directions:

"...On consideration of the above submissions of the counsels for both the parties, this O.A. is disposed of at admission stage, without expressing any opinion on merits of the case, directing the respondents to consider a copy of this O.A. as representation of the applicant as per provisions of relevant applicant rules and binding instructions for promotion as lecturers as well as placement as in-charge lecturers (Physics) and decide it with a reasoned order within four weeks from the date of receipt of a certified copy of this order and within one week thereafter to communicate it to the applicants".

Whereas, in compliance to the directions of the Hon'ble Central Administrative Tribunal, the case of the applicants was considered and examined in the Department and it has found that a proposal regarding granting one-time relaxation / post-facto permission in favour of those incumbents who had obtained their PG Degrees during serving through Regular/Distance mode without obtaining proper permission from the Administrative Department was referred to the Finance Department for opinion. Finance Department returned the Departmental file with certain observations, relevant part of which is reproduced as under:

" The Department may regularize the permission granted to the teachers for acquiring higher qualifications through distance mode / online mode in terms of circular instructions issued by the Finance Department vide No. FD-Code/166/2021-03 dated 18-07-2022 subject to the following:

- (a) The Universities/institutions are recognized by UT Government.**
- (b) The courses are recognized.**
- (c) Proper entries of the leave availed for the duration of the examinations are recorded in the service book of the teacher.**

Whereas, Department vide Government Order No. 188-JK (Edu) of 2024, dated 15.03.2024 has accorded sanction to the grant of one-time exemption in favour of teaching/other staff of School Education Department who have acquired higher qualification during service through distance/online mode as on date, without obtaining prior permission from the competent authority, i.e. Administrative Department subject to certain conditions.

Whereas, further, two Committee(s) were constituted in the respective Directorates for examining and entertaining such degrees/higher qualifications for the purpose of promotion or inclusion in seniority lists of those incumbents, in whose favour one-time exemption is granted, strictly as per the provisions contained in SRO-339 of 2005, read with Government Order No. 252-HE of 2012, dated 31.05.2012, Government Order No. 940-Edu of 2017, dated 17.11.2017 and Circular instructions issued by Finance Department vide No. FD-Code/166/2021-03, dated 18.07.2022. Besides, it was also ordered that the Committees shall complete the exercise in (02) two months, so that seniority lists are updated accordingly.

Now, therefore, after having considered the cases of applicant in compliance with the judgment / order dated 29.06.2022, the claim of the applicant is considered and decided to be referred to the Committee constituted in terms of the aforesaid Government order for further examination and ascertaining the genuineness of the degrees obtained by the applicants, under extant provisions of the Standing orders related to the subject matter. The seniority /promotion of all the applicants shall strictly be considered as per the recommendations of the committee and promotions shall be considered after finalization of the updated seniority.

By order of the Government of Jammu & Kashmir.

Sd/-

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

No:- Edu-LGLOJmu(CAT)/205/2022-01

Dated:- 03 .05.2024

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 with Advisor (B) to the Lieutenant Governor, UT of J&K for information.
4. Private Secretary to Administrative Secretary, School Education Department for information.
5. Sh. Sudesh Magotra Deputy Advocate General, Hon'ble Central Administrative Tribunal UT of J&K and Ladakh for information.
6. Smt. Suneer Bakshi & Ors (applicants) for information.
7. I/c Website for uploading the same on official website.
8. Government Order File / Concerned File (w.2.s.c).

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