



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

Subject: WP(C) No. 2921/2019 titled Abdul Subhan Mir & ors Vs State & Ors.
Vs State & ors.

Government Order No: 229-JK(Edu) of 2024.

Dated: 17.05.2024.

Whereas, the Petitioner(s) namely Sh. Abdul Subhan Mir and others, came to be initially appointed as Teachers in the School Education Department on the recommendations of the Selection Board;

Whereas, while in service the petitioners have acquired Post Graduate Degrees in Ecology and Environmental Sciences obtained from Sikkim Manipal University through Distance Mode;

Whereas, the petitioners were figuring in the tentative seniority list issued by this department vide Notice dated 30.09.2023.

Whereas, the final seniority list of PG, Masters/Teachers in the discipline of Environmental Sciences as on 01.01.2023 was issued vide Government Order No.422-JK (Edu) of 2023, dated 08.12.2023. The para-6 of the said seniority reads as under:-

"Whereas, in respect of certain purported PG courses like Ecology & Environment 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 PG in Environmental Science pursued in regular mode from University of Kashmir/Jammu, the candidates with such degrees have been deleted from the seniority."

Whereas, as per the aforesaid seniority list, 17 incumbents who had challenged the tentative seniority list in the discipline of Environmental Science through the Medium of O.A No.844/2013 were also included in the seniority, subject to the outcome of O.A No. 844/2023;

Whereas, the petitioners figuring in SWP No.2921/2019 with PG in Ecology and Environment from Sikkim Manipal University were deleted from the final seniority list issued vide ibid Govt order. Aggrieved by this, the petitioners filed a Writ petition bearing SWP No.2921/2019 titled Abdul Subhan Mir and others Vs State and other before the Hon'ble High Court and have prayed for the following relief:-

(i) Commanding the respondents to consider claim of the petitioners in terms of Government Order No.940-Edu of 2017 dated 17.11.2017 and SRO-339 dated 20.12.2005 and given them same benefit as have been to the writ petition of SWP

No.1507/2014 titled Zahoor Ahmad Rather and others Vs State and others decided by the Hon'ble High Court on 12.12.2017.

(ii) Respondents be directed to maintain seniority list and make placement of deserving petitioners as per rules/Government Order No.940-Edu of 2017 dated 17.11.2017 and SRO-339 dated 20.12.2005 and on the same analogy as given to the Teachers/Masters working in the discipline of Zoology, Botany, Chemistry and Bio-Technology.

(iii) Respondents be directed not to issue any further promotion list or of incharge lecturers in the discipline of Environmental Science until petitioner are not brought in the seniority list and considered for promotion.

Whereas, the Hon'ble High Court vide its order dated 05.10.2019 has passed the following orders:-

"Having heard learned counsel for the parties and perused the record, I am of the view that having regard to the submissions made by learned counsel for the petitioner and the nature of relief sought for, this writ petition is disposed off by directing the respondents to consider the representation stated to have been filed by the petitioner on 26 July 2019 and take appropriate decision thereon in the light of Government Order No 940-Edu of 2017 dated 17.11.2017. Let a speaking order with regard to the claim of the petitioners be passed by the respondents within a period of six weeks from the date a certified copy of this order is served on respondents".

Whereas, petitioners filed a contempt petition No.WP-2921/2019 whereunder the Hon'ble Court, by virtue of order dated 05.10.2019 has directed the respondents to consider the petitioners representation and take appropriate decision in light of Government Order dated 17.11.2017;

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

Whereas, the incumbents who have obtained their PG degree through distance/ on-line 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 and Environmental, which required equivalence from University of Kashmir/University of Jammu in light of Govt 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 the seniority ab-initio;

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Now, therefore, pursuant to the Hon'ble Court orders, the instant case of the petitioners is to be considered in light of the Govt Order No.252-HE of 2012 dated 30.05.2012, as the petitioner acquired PG degree in distance mode in Ecology and Environmental Science from Sikkim Manipal University, as such the claim of the petitioners is found devoid of any merits, under rules and hence claim is hereby rejected.

By Order of the Government of Jammu and Kashmir.

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

No:Edu-LGL0Kmr/130/2021-01/86618

Dated: 17 .05.2024

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).

17-05-2024

(Thannaji Bhat)
Under Secretary to the Government

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