



Government of Jammu and Kashmir
School Education Department,
Civil Secretariat, J&K.

Subject: Representation of Smt. Raj Kumari in-charge Principal, Migrant Cell Jammu regarding re-fixation of seniority as Lecturer Physics.

Government Order No:249- JK (Edu) of 2024.
Dated: 24.06.2024.

Whereas, Smt. Raj Kumari, Principal Migrant Cell Jammu submitted a representation regarding re-fixation of seniority as Lecturer Physics; and

Whereas, after examination it comes to fore that vide Government Order No.31-Edu of 1991 dated 09.01.1991 among others Smt. Raj Kumari, Teacher was promoted as I/c Lecturer in the discipline of Physics and adjusted/posted at GHSS, Surankote; and

Whereas, vide Government Order No.831-Edu of 1999 dated 25.06.1999 regularization/promotion of the officers of School Education Department as Lecturers, +2 Schools in the discipline of Physics was issued. Smt. Nishi Kala Koul who is figuring at S.No. 91 was given regularization effect w.e.f. 17.09.1992 and Smt. Raj Kumari at S.No. 92 w.e.f. 01.09.1995; and

Whereas, thereafter, vide Government Order No.765-Edu of 2017 dated 12.10.2017 regularization of drop out I/c Lecturers as Lecturers of different disciplines was issued and the regularization effect in respect of Smt. Raj Kumari was changed as w.e.f. 17.09.1992 to 31.08.1995 instead of 01.09.1995 which was earlier given vide Government Order No. 831-Edu of 1999, dated 25.06.1999 in favour of the incumbent; and

Whereas, the incumbent was promoted as Senior Lecturer vide Government Order No. 129-Edu of 2011 dated 24.2.2011 figuring at S.No. 229 and thereafter, promoted as I/c Principal vide Government Order No. 309-Edu of 2018 dated 09.03.2018 figuring at S.No. 38; and

Whereas, the Department issued a notice dated 04.05.2018 for seeking objections regarding fixation of seniority followed by another notice dated 30.04.2019. The Director, School Education Jammu accordingly, vide letter No.DSEJ/GAZ/Lect/17264-74 dated 24.05.2021 has submitted that no objection received in this regard from Chief Education Officers of Jammu Division; and

Whereas, Smt. Raj Kumari was regularized as Principal in the DPC held on 22.04.2021 figuring at Seniority No.1150 and was given regularization effect w.e.f. 01.11.2018 but her senior counterpart Smt. Nishi Kala Koul figuring at Seniority No.905 has not joined assignment of incharge Principal and is still as Sr. Lecturer and Mr. Ajeet Singh figuring at Seniority No.906 was given regularization effect w.e.f. 01.05.2017; and

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Whereas, after examining all documents related to the case including the service particulars of Smt Raj Kumari as well as her junior / senior counterparts. It has been decided to reject the claim of the applicant for re-fixation of seniority as Lecturer/Sr. Lecturer and then regularization/promotion effect as Principal in light of circular instructions issued by General Administration Department vide Circular No.41-JK (GAD) of 2021, dated 06.10.2021 on the basis of law laid down by Hon'ble Supreme Court of India in many judgments; and

Now, therefore , in view of the above circumstances and facts of the case , it is hereby ordered that the claim of the applicant regarding re-fixation of seniority as Lecturer Physics is hereby rejected in light of Circular No. 41-JK (GAD) of 2021, dated 06.10.2021 being time barred.

By order of the Government of Jammu & Kashmir.

Sd/-

(Alok Kumar) IRS

Principal Secretary to the Government
School Education Department

Dated:24.06.2024

No: Edu-HRM/94/2022-01 (151685)

Copy to the:

1. Joint Secretary, (J K & L), Ministry of Home Affairs, GoI.
2. Director, School Education Kashmir/ Jammu.
3. OSD to Advisor (B) to the Hon'ble Lieutenant Governor, J&K UT.
4. Concerned Chief Education Officer.
5. Concerned official.
6. Private Secretary to Principal Secretary to the Government, School Education Department.
7. I/c Website for uploading the Order.
8. Government Order file (w.2.s.c).

(Thannaji Bhat)

Under Secretary to the Government

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24.06.2024