



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

Subject: SWP No.3335 titled Sanjay Kumar Dass and others Vs State & Others regarding fixation/ re-fixation of seniority at the level of Lecturers in the Combined Seniority list at +2 level.

Government Order No:256-JK(Edu) of 2024
Dated: 27.06.2024

Whereas, vide Government Order No.1046-Edu of 2017 dated 22.12.2017, the regularization of 10 incumbents was ordered at the level of Lecturers from retrospective dates i.e. from the dates they have been placed as I/c Lecturers, (over and above the regularization dates given to the incumbents in the Departmental Promotion Committee in pursuance to the directions of the Hon'ble Court dated 23.12.2015, passed in SWP No. 3335/2015 titled Sanjay Kumar Dass & Ors Vs State and Other; and

Whereas, thereafter, the Department received a joint representation from these officers for re-fixation of their seniority as Lecturer, in pursuance to Government Order No. 1046-Edu of 2017, dated 22.12.2017; and

Whereas, a notice regarding re-fixation of seniority of Lecturers in the combined seniority list of +2 Lecturers was issued by this Department on 18.11.2022 for inviting objections from the members of the cadre; and

Whereas, in response to said notice, both the Directorates were requested to furnish objections/representations if any received in the matter, vide letter dated 19.04.2023, and

Whereas, the Director School Education Jammu vide his communication No. SEJ/Gaz/Lect/71748-58, dated 09.07.2021 intimated that three objections have been received from the following incumbents; and

- i. Mr. Harbans Lal, Retd. I/c Principal
- ii. Mr. Narinder Mohan Suri, Principal HSS Hari
- iii. Smt. Vidyotama Gupta, I/c Principal, HSS Ghordi

Whereas, the objection filed by Sh. Harbans Lal, Retired Principal, and submitted that in the case titled Sanjay Kumar Dass and others, the 10 incumbents are not claiming their genuine seniority to be re-fixed in the seniority of +2 Lecturers from retrospective dates on the analogy of the case titled Fayaz Ahmad Sheikh and others in Government Order No.130-Edu of 2011 dated 24.02.2011, which is in sheer violation of Recruitment Rules issued from time to time; and

Whereas, as regards the case of 10 incumbents, their claim of re-fixation of seniority as Lecturers from the dates they have just completed few months of their probationary service viz a viz Recruitment Rules for promotion to the post of Lecturers, the requisite eligibility is three years substantive service as Master/Teacher. Thus, the incumbents do not fulfill the requisite eligibility of the dates where from they claim their seniority as Lecturers as they have not completed three years substantive service as Master/Teacher; and

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Now, therefore based on above facts and circumstances of the case, it is hereby ordered that the claim of the incumbents in case titled Sanjay Kumar Dass and others is devoid of any merit and hence is rejected.

By order of the Government of Jammu & Kashmir.

Sd/-

(Alok Kumar) IRS
Principal Secretary,
School Education Department
Dated:27.06.2024

No: Edu-HRM/181/2021-01 (52145)

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 officers.
6. Private Secretary to Principal Secretary, 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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27.06.2024