



Government of Jammu & Kashmir
School Education Department,
Civil Secretariat, Jammu/Srinagar

Subject: O.A No. 68/2023 titled Saba Shah V/s U.T of J&K & Ors.

Government Order No: 268- JK (Edu) of 2024.
D a t e d: 18.07.2024.

Whereas, the applicants filed instant OA No.68/2023 titled Saba Shah V/S U.T of J&K & Ors. before the Hon'ble Central Administrative Tribunal at Srinagar and sought following relief:

- i. Direct the official respondents/non-applicants to issue the elevation order in favour of the applicants on the lines/analogy of the corrigendum No. Edu/V/116/2017, dated 15.06.2020 in favour of Mrs. Tehmeena Nazeer in place of the promotees who were elevated in duplication in placement orders.**
- ii. Direct the official respondents to redraw/rectify the final seniority issued vide Government Order No.58-Edu of 2018, dated 12.01.2018 whereby the private respondents who are junior to the applicants have been shown senior to the applicants contrary to the record position and date of 1st appointment as the same has been issued without application of mind or by adopted pick and choose method.**
- iii. Direct the official respondents/non-applicants to issue the elevation order as I/c Lecturers in favour of the applicants with retrospective benefits on the basis of their seniority over the private respondents.**
- iv. Direct the official respondents to identify the duplication of I/c Lecturer vacancy in the placement orders dated 15.07.2019, 25.07.2019 and 16.10.2019 which have been filled twice without application of mind and fill up the same by the candidate next in the merit.**
- v. Direct the official respondent No. 1 to conduct the enquiry in the matter and fix the liability of the official who has adopted pick and choose method of framing seniority list and issuing placement orders depriving the right of the applicants despite repeated representations and entreaties on the part of the applicants which evoked no response deliberately on the part of official respondents.**

Whereas, the Hon'ble CAT vide its order dated 03.02.2023 has disposed of the OA with following directions:

"Learned counsel for the applicant claims that the applicants are senior to those persons who have been elevated as In-charge Lecturer vide Order dated 15.07.2019, 25.07.2019 and 16.10.2019. He also submits that few Masters have been promoted twice vide Order dated 15.07.2019 and 16.10.2019. He further submits that the applicants have filed various representations dated 23.10.2019, 16.09.2021 and

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01.06.2022 and it will suffice if the respondents are directed to consider the said representations within a stipulated period.

In view of the limited prayer made by the learned counsel for the applicants, the respondents are directed to consider and decide the representations dated 23.10.2019, 16.09.2021 and 1.06.2022 as per rules by passing a reasoned and speaking order within a period of 04 weeks from the date of receipt of the copy of this order.

With this the O.A is disposed of. There will be no order as to costs."

Whereas, after perusal of the representations dated 23.10.2019, 16.09.2021, and 01.06.2022, the grievance of the petitioners is that:

Placement as I/c Lecturers in the discipline of Environmental Science as made in the year 2019 was not done in accordance with the seniority position and some of the candidates, who have been promoted in the said list(s) have acquired their PG Degree through Distance, Mode which is invalid.

Four (04) candidates in the said promotion list(s) have been promoted twice/repeated in two different promotion orders issued vide Government Order No.236-Edu of 2019 dated 15.07.2019 and Government Order No. 325-Edu of 2019 dated 16.10.2019.

Three (03) junior counterparts have been promoted on the basis of incorrect date of first appointment.

Whereas, after examining the case in light of the aforesaid and records available, it is submitted that in the year 2019, the Department had issued temporary placement orders as I/c Lecturer in the discipline of Environmental Science in own pay and grade (OPG) in respect of 144 incumbents vide three different Government Orders on the basis of the seniority list framed in the year 2018 subject to the following conditions:

i. The Director School Education, Kashmir/Jammu shall verify the Post Graduate Degrees obtained during service through distance mode in light of the Government Order No. 940-Edu of 2017 dated 17.11.2017 and shall allow such Masters/Teachers to join only when/if the PG degrees are found genuine.

ii. The Directorate of School Education, Kashmir/Jammu will allow them to join only after verifying the following:

The bio-data/service particulars of the I/c Lecturers as mentioned in the said orders are correct.

Whereas, Department has already re-visited the aforementioned placements made in the year 2019 and accordingly, vide Government Order No.2189-JK(Edu) of 2022 dated 16.12.2022, temporary placement as I/c Lecturer (EVS) in respect of 72 Masters/Teachers who have obtained Post Graduate Degrees through Distance Mode have been withdrawn. Besides, vide Corrigendum to Government Order No. 325-Edu of 2019 dated 16.10.2019 issued under endorsement No. Edu/V/116/2017 dated 15.06.2020, the placement order as I/c Lecturer in respect of Mrs. Shafia Abass, Teacher and Ms. Shresta

Sharma, Teacher who had been placed as I/c Lecturers on the basis of their wrong service particulars was kept on hold till further orders.

Whereas, further, the Department has issued Final seniority list of PG Masters/Teachers in the discipline of Environmental Science as on 01.01.2023 vide Government Order No.422-JK(Edu) of 2023 dated 08.12.2023 wherein the names of the petitioners are figuring in the said seniority list at Sty No.203(Saba Shah), 193(Kosiya), 213(Mohd Rafiq Jan), 207(Irshad Rasool Wani), 204(Imtiyaz Ahmad Khan), 186(Umar Nazir), respectively.

Now the Department has initiated the process for promotion/regularization of eligible incumbents in various disciplines. The grievance of the petitioner(s) with regard to placement as I/c Lecturer (Environmental Science) will also be examined and considered in consonance with the Rules, in the next DPC meeting as and when convened.

By Government of the Government of Jammu and Kashmir.

Sd/-

(Alok Kumar) IRS

Principal Secretary to the Government,
School Education Department

No:-Edu-LGL0Kmu/49/2023-08/7140133

Dated:-18-07-2024

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 officials.
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).


(Masood Ahmad Wani)

Deputy Secretary to the Government.



