



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

Subject: O.A No. 262/2024 titled Manzoor Ahmad Bhat and others Vs UT of J&K and others.

Government Order No: 360- JK (Edu) of 2024.
D a t e d: 11.09.2024.

Whereas, the applicants namely Manzoor Ahmad Bhat, Abdul Rashid Bage & Rais Ahmad Bandy have filed the above titled OA before the Hon'ble Central Administrative Tribunal, Srinagar wherein they have contended that the applicants came to be appointed as Teachers on 12.09.1993 and promoted as Masters on 07.08.2007;

Whereas, vide Circular No.10-Edu of 2012 dated 31.07.2012, seniority of the candidates including that of the applicants (Seniority No. 46, 47 & 48) and three other individuals (seniority No. 37, 57 & 84) was updated in the final seniority list;

Whereas, vide Government Order No.132-Edu of 2013 dated 07.02.2013, placing the PG Masters/Teachers as I/C Lecturers in the discipline of Zoology wherein the applicants figured at Seniority No.5, 6 and 7. The applicants confirmation remained pending but other Lecturers, who are far junior to the applicants, were confirmed and even promoted to Senior Lecturers.

Whereas, the applicants have prayed for the following relief:-

1. The respondents may be directed to issue confirmation orders in favour of the applicants and grant them the substantive grade of Lecturers from the same date as given to juniors i.e. retrospectively from 16.11.2005, when their juniors were confirmed as Lecturers and may also direct the respondents to expedite the process of issuance of such orders within a time frame so that the interest of the applicants be saved.
2. The respondents be further directed to issue appropriate orders for placement of the applicants as Senior Lecturer from the date the juniors have been placed as such and confirm them as such with all consequential benefits including restoration of seniority in all promotional cadres.

Whereas, the matter was listed before the Hon'ble CAT on 06.05.2024 and the Hon'ble CAT disposed of the OA with the following order:-

"The application is accordingly disposed of with direction to the respondents that the representation dated 05.03.2024 filed by the applicants, along with the contents of the instant OA, be treated as a representation filed by the applicants and the respondents will consider the averments made therein and pass speaking order in consonance with the rules of natural justice. It is expected that the

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speaking order would be passed with due diligence within a period of four weeks from the date of receipt of a copy of this order"

Whereas, vide Government Order No.10-Edu of 2012 dated 31.07.2012, the petitioners as well as respondents were figuring at Seniority number mentioned against each, details of the service particulars is given below:

Snty No	Name	D.O.B.	D.O. Ist Aptt.	D.O. of Prom. as Master	Date/ Year of Passing PG
46	Manzoor Ahmad Bhat (RBA) (Petitioner)	25-11-66	12-10-93	07-08-07	1994
47	Abdul Rashid Bage (Petitioner)	01-11-69	12-10-93	07-08-07	May-02
48	Rais Ahmad Banday (Petitioner)	05-10-70	12-10-93	07-08-07	1996
37	Saja Ahmed Khan (RBA)	04-03-64	04-09-93	15-06-07	19-09-89
57	Parvez Ahmad Bhat (RBA) (Responent)	09-11-65	02-12-94	06-03-08	31-08-90
84	Tasleem Jan (RBA) (Responent)	04-11-69	01-03-95	14-07-08	1996

Whereas, the Department conducted DPC on 11.10.2012 for regularization of PG Masters/Teachers in the discipline of Zoology and the Committee was deliberated on the regularization/promotion of PG Masters/Teachers (Zoology) in terms of Government Order No.743-GAD of 2007 dated 28.06.2007 and decided that regularization of **11 I/c Lecturers** who have done their PG through Distance Mode were deferred till next meeting in light Point No.(vi) of Government Order No.252-HE of 2012 dated 30.05.2012 which speaks as under:-

"The degree awarded by the Universities, whether situated within or outside the state through Distance mode in the subjects falling in Science stream, where practicals are part of the curriculum, shall not be considered as equivalent to the corresponding degrees awarded through regular mode by the State Universities. However, degrees in such of the Distance Education Council approved science subjects where practicals are part of the curriculum and are conducted from within the respective campuses of the University Grants Commission recognized Universities, established by an Act of the Parliament or the State Legislative, shall also be recognized."

Whereas, the service particulars of incumbents vide Government Order No.875-Edu of 2010 dated 28.12.2010, which was utilized in the DPC for regularization of PG Masters/Teachers (Zoology) 2012;

S. No	Name	D.O.B.	D.O. Ist Aptt.	D.O. of Prom. as Master	Date/ Year of Passing PG	D. O. prom. as I/c Lecturer	D.O. of regularization as Lecturer	D.O. of promo. as Sr. Lecturer
45	Manzoor Ahmad Bhat (RBA) (Petitioner)	25-11-66	12-10-93	07-08-07	1994	07-02-13 G.O. No.132- Edu of 2013		
46	Abdul Rashid Bage (Petitioner)	01-11-69	12-10-93	07-08-07	May-02	07-02-13 G.O. No.132- Edu of 2013		
47	Rais Ahmad Banday (Petitioner)	05-10-70	12-10-93	07-08-07	1996	07-02-13 G.O. No.132- Edu of 2013		

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37	Sajad Ahmed Khan (RBA) (Responent)	04-03-64	04-09-93	15-06-07	19-09-89	07-02-13 G O No 132- Edu of 2013	16-11-05	15-03-21
56	Parvez Ahmad Bhat (RBA) (Responent)	09-11-65	02-12-94	06-03-08	31-08-90	07-02-13 G O No 132- Edu of 2013	Regularized vide Govt. Order no.792- Edu of 2018 Dt.29.06.2018; Notionally w.e.f. 16-11- 05 & regular w.e.f. 07.02.13	15-03-21
84	Tasleem jan (RBA) (Responent)	04-11-69	01-03-95	14-07-08	1996	23-09-08 G.O. No.473- Edu of 2008	Regularized in DPC of 2012; Notionally w.e.f. 16-11- 05 & regular w.e.f. 23.09.08	30-12-13

Whereas, after perusal of the above service particulars and eligibility list of DPC 2012, it has found that only one incumbent namely Tasleem Jan (RBA) was regularized as Lecturer because she was placed as incharge lecturer on 23.09.08 vide Government Order No.473-Edu of 2008 and rest were promoted on 07.02.2013, accordingly, not regularized as Lecturer and applicants were not placed as incharge Lecturer at that time were dropped out/ not regularized;

Whereas, vide Government Order No.792-Edu of 2018 dated 29.06.2018, the case for regularization Mr. Parvaiz Ahmad Bhat (RBA) was placed before Designated Committee Meeting held on 23.04.2018, and the officer was regularized as Lecturer by granting effect w.e.f. Notionally w.e.f. 16-11-05 & regular w.e.f. 07.02.2013;

Whereas, vide notice dated 16.10.2023, tentative seniority list of PG Masters/Teachers in the discipline of Zoology as it stood on 01.01.2023 was issued, detailed service particulars of the applicants are given below:

S. N O.	NAME	DESIG	PLACE OF POSTING	DATE OF BIRTH	DATE OF 1st APPOINTMENT	DATE OF PROMOTION AS MASTER	DATE / YEAR OF PASSING PG	MODE OF ACQUIRING PG	NAME OF UNIVERSITY	PERMISSION BY, LEAVE TAKEN
14	MANZOR AHMAD BHAT (RBA)	MASTER	DIET SRINAGAR	25.11.1966	12.10.1993	07.08.2007	1994 (Attended classes upto 22-08-1993)	REGULAR	KASHMIR UNIVERSITY	Attended classes upto 22-08-1993
16	ABDUL RASHID BAGE	MASTER	BHSS RAWALPORA SGR	01.11.1969	12.10.1993	07.08.2007	20-10-2002	REGULAR	KASHMIR UNIVERSITY	DEPARTMENTAL DEPUTATION
17	RAIS AHMAD BANDAY	MASTER	BHSS BEERWAH	05.10.1970	12.10.1993	07.08.2007	13-06-1998	REGULAR	KASHMIR UNIVERSITY	DDO, 11 MONTHS

Whereas, after perusal of the above service particulars of the petitioners, it has found that they have acquired PG degree during the service without obtaining prior permission from

the Competent Authority except Mr. Abdul Rashid Bage, who took permission from the authority (Departmental Deputation);

Whereas, vide Government Order No.188-JK(Edu) of 2024 dated 15.03.2024, department has extended one time exemption in favour of teaching/other staff of School Education Department who have acquired higher qualification during their service through distance / online mode without obtaining prior permission from the Administrative Department. However, decision with regard to in-service candidates who obtain their degree through regular mode is still pending;

Whereas, the department has such permission cases in bulk and to decide about the grant of post facto permission for pursuing PG degree during service in regular mode, opinion/advice has been sought from the Finance Department/GAD, which is still awaited;

Now, therefore, keeping in view the directions passed by the Hon'ble CAT on 06.05.2024 in O.A No.262/2024 titled Manzoor Ahmad Bhat and others Vs UT of J&K and others, the claim of the applicants/petitioners has been examined on the basis of above facts and circumstances of the case and taking into account the fact that the matter is still under submission to the Finance Department / GAD, as such the claim of the applicants cannot be considered at this stage, being premature and solely dependent upon the decision of the Finance Department / GAD.

By Government of the Government of Jammu and Kashmir.

Sd/-

(Alok Kumar) IRS

Principal Secretary to Government,
School Education Department

No:-Edu-LGL0Kmr/193/2024-01/7478121

Dated:- 11-09-2024

Copy to the:

1. Joint Secretary, (J K & L), Ministry of Home Affairs, Gol.
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 Government,

