



GOVERNMENT OF JAMMU AND KASHMIR  
SCHOOL EDUCATION DEPARTMENT,  
CIVIL SECRETARIAT JAMMU/KASHMIR  
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Subject: - O.A No.1472/2023 titled Nigarat Parveen V/s UT of J&K & Ors.

Government Order No: - 417- JK (Edu) of 2024

D a t e d: - 10-10-2024

Whereas, an Original Application bearing number 61/1472/2023 came to be filed by the applicant namely Nigarat Parveen, before the Hon'ble Central Administrative Tribunal at Jammu wherein she has sought the following reliefs:

1. Quashing the order No.357-JK (Edu) of 2023 dated 08-11-2023 so far as it pertains to the applicant issued by the respondent No.2 whereby the applicant has been transferred from Govt. Hr. Sec. School Bhella, Doda to Govt. Hr. Sec.School Dessa Doda contrary to the law laid down by Supreme Court in Barium Chemicals Ltd & Anr V/s A.J Rana & Ors 1972 (1) SCC 240 and Chairman, LIC of India and Ors. Vs A Masilamani 2013 (6) SCC 530.
2. Direct the respondents to allow the applicant to continue at her present place of posting i.e. Govt. Hr. Sec.School Bhella, Doda where the applicant is working prior to the passing of order impugned keeping in view Class-C (16) of the transfer policy dated 24-04-2023 where both the husband and wife are in Govt. Service they must be posted conveniently as for is practicable.
3. Direct the respondent No.1 to give a fresh look to the representation dated 04.09.2023 and 07.09.2023 by taking into the above referred judgment and Class-C (16) of the Transfer Policy and keeping in view the law laid down by Supreme Court in case titled S.K. Nowshad Rehman & Ors. V/s Union of India & Ors. or in alternative retain the applicant at her present place of posting i.e. Govt. Hr.Sec.School, Bhella, Doda.

Whereas, the Hon'ble Central Administrative Tribunal vide its order dated:- 10-11-2023, has disposed of Original Application with the following direction:-

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*"...Accordingly, keeping in view the limited prayer made by the learned counsel for the applicant, the Original Application is disposed of at the admission stage, without entering into the merits of the case with a direction to Commissioner/Secretary to Government, Department of School Education, Union Territory of Jammu and Kashmir (Respondent No. 1 herein) to reconsider the case of the applicant for her retention in Government Higher Secondary School, Bhella Doda or her transfer to any other school in Zone-I of District Doda, keeping in view the provisions of Clause (C) 16 of the Transfer Policy dated 24.04.2023 as well as judgment of Hon'ble Supreme Court in the case of S.K. Nowshad Rehman (supra). This exercise shall be undertaken within a period of one week from the date of receipt of a certified copy of this order.*

*So long as the case of the applicant remains pending with the respondent, the applicant shall be permitted to work at Government Higher Secondary School, Bhella, Doda.*

**No order so as to costs."**

Whereas, in compliance with the directions of the Hon'ble Central Administrative Tribunal, Jammu, the applicant's case has been duly examined by the Department. It is noted that the applicant was initially transferred vide order dated 01.09.2023, under the 'Annual Transfer Drive ATD 2023' from GHSS Ghat Doda to GHSS Bhella, Doda. The applicant though joined at GHSS Bhella, Doda on 05.09.2023, has objected her transfer and submitted a representation for modification of her transfer order and requested for suitable adjustment. The Department considering her representation modified her transfer order and transferred her to GHSS Dessa, to which she was aggrieved, on the pretext that the modification order was at her disadvantage and without any request for the said place of posting, as she was seeking a suitable adjustment, however, the School was stated to be around 90 kms away from her residence. It has been noted that the applicant is currently serving at HSS Bhella, in accordance with the interim directions of the Hon'ble Central Administrative Tribunal, Jammu. Furthermore, it has been established that a clear vacancy exists at HSS Bhella, Doda where the applicant is presently posted

Now, therefore, taking into account the facts and circumstances of the case, and in compliance with the order dated 10.11.2023 passed

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by the Hon'ble Central Administrative Tribunal in OA No. 61/1472/2023 titled Nigarat Parveen v/s UT of J&K & Ors, the Department has considered the applicant's claim. Consequently, the applicant is hereby permitted to continue at HSS Bhella, where she is currently posted, and her pending salary is directed to be released immediately.

**By order of the Government of Jammu & Kashmir.**

**Sd/-**

Alok Kumar, (IRS)  
Principal Secretary to the Government  
School Education Department

No:- Edu-Lect/24/2024-01

Dated:- 10.10.2024

**Copy to the:-**

1. Joint Secretary (J&K) Ministry of Home Affairs, Government of India.
2. Director School Education Jammu for information and necessary action.
3. OSD with Advisor (B) to the Lieutenant Governor, UT of J&K for information.
4. Private Secretary to Principal Secretary to the Government, School Education Department for information.
5. Concerned Ld. AAG, Hon'ble Central Administrative Tribunal at Jammu for information.
6. Chief Education Officer, Doda.
7. Nigarat Parveen (applicant) for information.
8. I/C Website for uploading the same on official website.
9. Government Order File/ Concerned File (w.2.s.c).

*Neha Bakshi*  
10.10.24

(Neha Bakshi)JKAS,  
Under Secretary to the Government,  
School Education Department