



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

**Subject:** SWP No. 533/2014 & T.A No. 2519/2021 titled Bashir Ahmad Raina Vs UT of J&K and others..

Government Order No: 423 - JK (Edu) of 2024.  
D a t e d: 10.10.2024.

*WHEREAS*, Mr. Bashir Ahmad Raina has filed writ petition bearing SWP No.533/2014 titled Bashir Ahmad Raina Vs UT of J&K and others before the Hon'ble High Court of J&K and Ladakh at Srinagar contending therein that he was appointed teacher on adhoc basis as on 19.02.1985 and thereafter vide Order No. 7396-455 dated 20.12.1985, was regularized as Teacher.

*AND WHEREAS*, vide Government Order No.1482-Edu of 1993 dated 03.09.1993, the petitioner was placed as I/C Lecturer, however, the adjustment of the petitioner along with 02 Teachers as incharge Lecturer was cancelled vide Government Order No.1680-Edu of 1993 dated 20.10.1993 on the basis of wrong service particulars furnished by them. The petitioner challenged the said Government Order dated 20.10.1993 before the Hon'ble High Court. The petitioner was promoted to the post of Master vide Order No.4924-DSEK of 2003 dated 27.10.2003, and was promoted to district Kargil.

*AND WHEREAS*, the petitioner further submitted that the private respondent No.3 to 6 were appointed as Teachers on adhoc basis on 14.03.1985 and they were regularized on the posts of Teachers w.e.f. 21.12.1985 vide Government Order No.944-Edu of 1985 dated 20.12.1985. The private respondent No. 3 to 6 are junior to the petitioner and have been allowed by the respondents to continue as incharge Lecturers in terms of Government Order dated 03.09.1993 and also vide Government Order No.1491-Edu of 2002 dated 31.12.2002, their services as incharge Lecturers have been regularized w.e.f. 01.01.2003.

*AND WHEREAS*, the petitioner came to know about the order dated 31.12.2002, and submitted a representation to the respondents for giving him retrospective promotion to the post of Lecturer w.e.f. 03.09.1993 on account of his seniority. The petitioner challenged Government Order No.1491-Edu of 2002 dated 31.12.2002 with respect to private respondent No. 3 only namely (Mohammad Yasin Mir) before the Hon'ble High Court through SWP No. 229/2004.

*AND WHEREAS*, vide Government Order No.305-Edu of 2010 dated 01.04.2010 among other Masters/Teachers, the petitioner was promoted to the post of incharge Lecturer in the discipline of Mathematics and further vide Government Order No.236-Edu

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of 2013 dated 07.03.2013, the applicant was regularized as Lecturer and was given effect notionally w.e.f. 18.07.2008.

*AND WHEREAS*, the Department issued the seniority list of Lecturers vide Government Order No.1073-Edu of 2013 dated 30.12.2013, wherein the private respondents were shown at S.No.8, 9, 11 and 14 respectively. Vide Government Order No.1074-Edu of 2013 dated 30.12.2013, wherein the private respondents No.3 to 6 were shown at S.No.8, 9, 11 and 14 respectively. Aggrieved of this the petitioner challenged the Government Order No.1073-Edu of 2013 dated 30.12.2013 and Government Order No.1074-Edu of 2013 dated 30.12.2013 through the instant SWP No.533/2014 before the Hon'ble High Court.

*AND WHEREAS*, in the meanwhile the Hon'ble High Court vide its order dated 02.06.2016 disposed of the SWP No. 229/2004 filed by the petitioner with the following order:-

"Be that as it may, respondents 1&2 shall have to consider claim of the petitioner in accordance with the rules. This writ petition alongwith connected IAs is disposed of and respondents 1&2 are directed to consider claim of the petitioner in accordance with rules for being appointed by way of promotion on the post of Lecturer and Senior Lecturer ahead of private respondent No.3 or alongwith him provided it is found that he (petitioner) is senior to respondent No.3. The said respondents 1&2 to consider and take decision preferably within six weeks from the date copy of this order is served on them. It is further provided that in case petitioner's claim is found to be genuine, then he shall be given all the service benefits".

*AND WHEREAS*, the SWP No.533/2014 filed by the petitioner was transferred to Hon'ble CAT on 09.09.2020 and was registered as T.A. No. 2519/2021 and the said T.A has been disposed of by the Hon'ble CAT vide its order dated 16.05.2024 with following directions:-

"The petition is disposed of by providing that the respondents will pass orders in the matter in tune with the judgment passed by the Hon'ble High Court dated 02-06-2016 passed in SWP No. 229/2004 preferably within a period of eight weeks. The respondents will however take note of the averments made in the Writ Petition that the private respondents No. 4 to 6 are junior to the petitioner. We leave it to the respondents to take a decision, if the claim of the petitioner is found to be genuine".

*AND WHEREAS*, with regard to the case, it is to state that the petitioner was appointed on adhoc basis as Teacher on 19.02.1985 and then vide Government Order No.7396-455 dated 20.12.1985, regularized as Teacher. Subsequently, vide Government Order No.1482-Edu of 1993 dated 03.09.1993, the petitioner was placed as incharge Lecturer but his adjustment was cancelled vide Government Order No.1680-Edu of 1993 dated 20.10.1993 on the basis of wrong service particulars furnished by him. *However*

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vide Order No.4924-DSEK of 2003 dated 27.10.2003, petitioner was promoted to the post of Master. The service particulars of the petitioner as well as respondents are given below:

S. No.	Name	D.O.B	DO of 1st Apptt.	DO of prom. as Master	DO of prom. as i/c Lect.	DO of regularization as Lect.	DO of promo. As Sr. Lect.	DO of regularization as Principal
1.	Bashir Ahmad Raina	01.03.63	20.12.85	27.10.03	01.9.10	18.07.08	15.03.21	--
2.	Mohd Yaseen Mir	01.03.60	20.12.85	--	03.09.93	03.09.93	25.02.11	--

**AND WHEREAS**, after examining the service particulars of the above incumbents it has found that petitioner alongwith his immediate counterpart namely (Mohd Yaseen Mir) have retired as Sr. Lecturer.

**AND WHEREAS**, the petitioner was placed as incharge Lecturer and then regularized as Lecturer w.e.f. 18.07.2008 in the DPC of 2012 of Mathematics. The claim for modification of promotion date as Lecturer, should be rejected in light of Circular instructions of General Administration Department issued vide 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 WHEREAS**, as per the aforementioned Circular instructions, it is clarified that whenever, in any matter connected with his/her service rights or conditions, a Government servant wishes to press a claim or to seek redressal of an alleged grievance, the same should be addressed to the competent authority concerned with in a stipulated period of Six months from the date the alleged grievance has arisen, or any other period provided in any rule, regulation or law, whichever is later after which the claim shall be treated as time barred.

**AND WHEREAS**, in view of the above facts, the claim with regard to correction/modification of regularization as Lecturer of the petitioner is not tenable at this juncture and does not merit consideration.

**NOW, THEREFORE**, after examining the records available in the Department, the claim of the applicant regarding modification of regularization effect as Lecturer, is found devoid of any merits under rules and is hereby rejected.

By Government of the Government of Jammu and Kashmir.

Sd/-

(Alok Kumar) IRS

Principal Secretary to Government,  
School Education Department

Dated:-/10 -10-2024

No:-Edu-LGL0Kmr/207/2024-01/7496255

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.

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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).

10.10.2024

(Thannaji Bhat)  
Under Secretary to Government

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