



Government of Jammu & Kashmir  
Directorate of School Education Kashmir, J&K



**Sub: Un-authorized absence case of Mr. Rashid Ul Hassan Gojer, Teacher, MS Guddar, District Kulgam and removal from services thereof.**

**Order No: 154 DSEK of 2023**

**Dated: 21 / 06 / 2023**

Whereas, **Mr. Rashid Ul Hassan Gojer S/o Gh Hassan R/o: Arigatnoo Kulgam** was appointed in the Department as teacher vide order No 2034 DSEK of 2007 dated: 17/10/2007 or the recommendations of the JKSSB under ST category in District Cadre Kulgam and was subsequently posted at MS Guddar, Kulgam by the Chief Education officer Kulgam; and

Whereas, the certificates/documents produced by the said incumbent were scrutinized by the Drawing and Disbursing officer concerned and found some variation in qualification/caste certificates and accordingly the issue was taken up with the issuing authorities by the Drawing and Disbursing officer concerned; and

Whereas, the Assistant Controller Tabulation, University of Kashmir vide his letter dated: 28/03/2012 communicated that the certificates submitted by the said candidate namely **"Mr. Rashid ul Hassan Gojar"** S/o **'Ghulam Hassan Gojar'** for BA 3<sup>rd</sup> Year are fabricated and the marks recorded on the marks certificate are actually of another candidate namely **"Rashid ul Hassan"** S/o: **'Ghulam Hassan Rather'**; and

Whereas, instead of cooperating with the Drawing and Disbursing officer concerned for rectifying his particulars, the incumbent not only remained away from his legitimate duties w.e.f **21/07/2011** but also filed a writ petition in the Hon'ble High court under SWP No. 739/2012 titled **Rashid-ul Hassan Gojjer Vs State of J&K and others**; and

Whereas, the Hon'ble High Court disposed off the said writ petition in its order dated: 19/02/2018, operative part of which is reproduced below:

*"In this view of the mater, the instant writ petition is disposed of by giving liberty to the petitioner to make a detailed representation to respondents No. 2 and 3. On such representation being filed the authority shall accord consideration and dispose of the same expeditiously, preferably within a period of four to six weeks from the date of receipt of representation along with copy of this order".*

Whereas, the DDO concerned served several notices to the said incumbent which was also published in print media viz Greater Kashmir 07/05/2012 for remaining un-authorizedly absent from his legitimate duties; and

Whereas, this office also issued a show cause notice to the teacher vide No. DSEK/Legal/519/12/844-46 dated: 04/07/2019, wherein he was asked to explain his position within 10 days failing which action as warranted in terms of Article 113 of J&K CSR Vol-I of 1956 shall be initiated against him for remaining more than 05 years continuously absent from his legitimate duties un-authroizedly; and

Whereas, the said teacher responded the show cause notice on 16/07/2019, but was found un-satisfactory and un-substantial and accordingly Joint Director (S) School Education Kashmir was appointed as Inquiry officer vide this office Order No. 264 DSEK of 2020 dated: 24/06/2020; and

Whereas, the said Inquiry officer furnished the findings of the inquiry on 22/07/2020, wherein it has been established that the said teacher has not attended his legitimate duties w.e.f 21/07/2011; and

Whereas, the issue was placed before the designated committee constituted for the purpose in its various meetings and latest on 08/04/2022 wherein it was recommended that *"to process the case for termination"*.

Whereas, remaining continuously/un-authorizedly absent from legitimate duties for more than 05 years attracts action as warranted in terms of article 113 of J&K Civil Services Rules (Volume I) of 1956, which reads as under:-

*"After five years of continuous absence on leave an officer is considered to be out of state employee."*

Now, therefore, pursuant to the decision of the committee, **Mr. Rashid ul Hassan Gojer, Teacher MS Guddar Kulgam** is hereby removed from the Government service in terms of **Article 113** of J&K Civil Services Rules (Volume I) of 1956 and **Rule 30(VII) of J&KCCA rules 1956**.

Sd/-

**Director,**

School Education Kashmir

Dated: 21/06/2023

No.: DSEK/Estt/B-Trs

**Copy to the:**

1. Principal Secretary to Govt., School Education Department, Civil Secretariat Jammu for favour of information.
2. Chief Education Officer, Kulgam for information and necessary action.
3. **Mr. Rashid Ul Hassan Gojer, Ex-Teacher, MS Guddar Kulgam** for information.
4. I/C website for hoisting the same on the official website of the Department.
5. Order/stock file.

**Personnel officer,**

Directorate of School Education  
Kashmir