

**Government of Jammu and Kashmir**  
**Directorate of School Education Kashmir**  
Samandarbagh, MA Link Road, Srinagar, J&K, 190001

**Sub:- Fraudulent appointment of Mr. Farooq Ahmad Bhat and Mr Shabir Ahmad Bhat both residents of Kharbrari Kulgam as teacher in School Education Department-regarding.**

**Order No: 210-DSEK of 2024**  
**Dated:- 14/08/2024**

**WHEREAS**, the Crime Branch Kashmir vide communication No. CBK/SP/13/21-132 dated:- 24.04.2021 asked this Directorate for production of 1<sup>st</sup> appointment orders of **Mr Farooq Ahmad Bhat and Mr Shabir Ahmad Bhat both residents of Kharbrari Kulgam working as teachers in Education Department** for carrying out the Investigation of the case FIR No. 13/2021 U/S 420, 468, 471, 120-B RPC 5 (2) PC Act of P/S CBK; and

**WHEREAS**, in response to this office communication No. DSEK/Estt/III/B-Trs/901-03 dated:- 08/05/2021, the CEO Bandipora vide letter No. CEO/Bpr/Leg/CBK/021/402 dated:- 10/06/2021 and letter No. CEO/Bpr/MW/021/489 Dated:- 28/06/2021 submitted that Mr Shabir Ahmad Bhat could not produce the Original Appointment Order to the Principal concerned i.e HSS Chuntimulla-Bandipora on the pretext that the same was submitted in the office of the Chief Education officer, Anantnag at the time of his appointment, and as such requested this office to ascertain the genuineness of his appointment at Directorate level which was subsequently verified from the relevant records of this Directorate and found not to have been issued by this Directorate; and

**WHEREAS**, similarly the CEO Anantnag vide letter No. CEO/A/IMW/4698/21 dated:- 20/05/2021 submitted that Mr Farooq Ahmad Bhat could not produce his Original Appointment Order to the Zonal Education Officer, Bijbehara on the pretext that the same was washed out in the devastating floods of September, 2014 and subsequently the Appointment Order bearing No. Estt/III/B-Trs/90/2001/Aptt/2002/1758-62 dated: 28.01.2002, as recorded in his service book, was verified from the relevant records of this Directorate and found not to have been issued by this office as well; and

**WHEREAS**, on the basis of relevant records, this office vide communication No: DSEK/Estt/III/B-Trs/FIR No: 13/2021/VNG/183/1177 dated:- 12/07/2021, informed Crime Branch Kashmir about the non-existence of references quoted in the appointment/adjustment orders produced by the accused persons/recorded in their service books; and

**WHEREAS**, Vide this office communication No. DSEK/Estt-III/B-Trs/VNG-183/8615 Dated:- 25/04/2023, the Joint Director (South) School Education, Kashmir, was asked to enquire the matter in detail and furnish findings/ recommendations to this Directorate within seven (07) days; and



**WHEREAS**, in the meantime the Investigating agency vide communication No: EOW/DYSP/FT/FIR-13/21/23-13418 dated:- 08/07/2023 has conveyed as under:

*"During the Investigation of the above cited case, it has surfaced that the aforesaid accused prepared fake/forged service books, appointment orders and LPC's and joined the Education Department. The said accused persons are still enjoying salary and other benefits from the Education Department which is continuous loss to the Government Exchequer. The matter needs immediate action from your end to stop the loss to the Government Exchequer.";* and

**WHEREAS**, vide this office communication No. DSEK/Estt/III/B-Trs/FIR-13/2021/VNG-183/8991 Dated:- 12/07/2023, the Joint Director (South) School Education, Kashmir was reminded to expedite the findings of enquiry, and simultaneously a copy of the communication was endorsed to CEO Bandipora/Anantnag with the request to stop the salary of the accused persons henceforth till further instructions/orders; and

**WHEREAS**, the Joint Director (South) School Education, Kashmir vide communication No. JD/SK/Estt/214/2212-14/23 Dated:- 02/08/2023 read with No. JD/SK/Estt/214/2921-24/23 Dated:- 28/11/2023 submitted a detailed report along with its enclosures to the DSEK, the contents of which reveals that as per the feedback submitted by the Chief Education Officer, Anantnag vide communication No: CEO/A/IMW/32389-90/23 dated: 28/07/2023 to the Inquiry Officer in response to his letter No. JD/SK/Estt/214/2144-46 dated 19/07/2023, neither the initial appointment/adjustment orders produced by both of the accused persons before the inquiry officer have been found anywhere in the Dispatch register of Chief Education Officer Anantnag nor has authenticated the veracity of the orders (i.e 125 CEO/A of 2003 dated:- 12/05/2003 in respect of Mr Shabir Ahmad Bhat and No. CEO/Estt/Ang/09 dated:-17/02/2002 in respect of Farooq Ahmad Bhat); and

**WHEREAS**, vide this office Order No. 154-DSEK of 2024 dated:- 15/06/2024, a fresh enquiry committee for submission of its finding within a period of 15 (fifteen) days was constituted; and

**WHEREAS**, the Enquiry Committee vide No. DSEK/FIR-13/2021/CAMP/1255-1258 and No. DSEK/FIR-13/2021/CAMP/1259-1262 dated:- 08/07/2024, issued Notices to Mr. Farooq Ahmad Bhat and Mr Shabir Ahmad Bhat respectively through Chief Education Officer concerned for giving them an opportunity for production of valid documents viz. original 1<sup>st</sup> appointment order/initial adjustment order/J&K SSB Selection List and /or any other document relevant to the subject matter in their defence to validate the genuineness of their appointments in the department; and

**WHEREAS**, in response to the said Notice, Mr. Farooq Ahmad Bhat S/o Mohd. Maqbool Bhat R/o Kharbrari, Yaripora, Kulgam, attended before the inquiry committee on 16/07/2024 with the reply wherein he has submitted that the documents as sought vide the said Notice, were washed away in 2014 floods, however an un-attested Xerox copy of initial adjustment order with No:

CEO/Estt/Ang/09 dated:- 17/02/2002 having reference of DSEK Order No: Estt/III/B/TRS/90/2001/Appt./2002/1758-62 Dated:-28/01/2002 was provided to the inquiry committee which has already found not to have been issued by this Directorate and same stands already conveyed to Crime Branch Kashmir vide this office letter No. dated:- DSEK/Estt/III/B-Trs/FIR No: 12/2021/VNG-183/1177 dated:- 12/07/2021 ;and

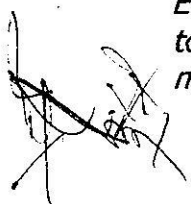
**WHEREAS**, the committee has also received the reply of Mr. Shabir Ahmad Bhat S/o Ghulam Ahmad Bhat R/o Kharbrari Yaripora, Kulgam through Chief Education Officer, Bandipora vide his communication No: CEO/Bpr/IMW/24/1831 dated:- 19/07/2024, wherein CEO has conveyed that the accused in his reply has submitted that all the Original documents are currently under custody of CBK Kashmir, claiming that none of the documents as asked for via referred Notice are available with him without providing any valid justification or alternative evidence and therefore failed to submit any requisite documents.

**WHEREAS**, the inquiry committee also sought the categorical report from ZEO Devsar, Kulgam (the establishment wherefrom both the individuals as per the Service records have claimed to have been adjusted initially in the year 2002 & 2003) as to whether Mr. Farooq Ahmad Bhat S/o Mohd. Maqbool Bhat R/o Kharbrari, Yaripora Kulgam, and Mr. Shabir Ahmad Bhat S/o Ghulam Ahmad Bhat R/o Kharbrari, Yaripora Kulgam had actually joined in the office of Zonal Education Officer Devsar, Kulgam, initially in the year 2002 & 2003 and had remained posted up-to Sep 2009 & Aug 2009 respectively and whether any salary was drawn/dispensed in their favour for the aforementioned period or otherwise, and in response ZEO Devsar, Kulgam vide his communication No:- ZEO/D/3032/2024 dated:- 20/07/2024, besides other things has conveyed as under:

*"that upon scrutinizing all old available records i.e Pay Acquaintance Roll, Personal files and as per the reports of the HOIs of the concerned schools neither any persons namely Mr. Shabir Ahmad Bhat S/o Gh. Mohd. Bhat & Mr. Farooq Ahmad Bhat S/o Mohd. Maqbool Bhat both residents of Kharbrari Anantnag presently Distt. Kulgam were posted/adjusted in the zone (i.e in the schools M/S Nigeeppora and GMS Sopat respectively) nor any salary was drawn/dispensed for the said persons in the year 2003 and onwards."*

**WHEREAS**, the Inquiry committee constituted vide this Directorate Order No: 154-DSEK of 2024 dated:- 15/06/2024 recommended as under:-

*Based on the above findings, the committee is of the opinion that both Mr. Farooq Ahmad Bhat S/o Mohd. Maqbool Bhat R/o Kharbrari, Yaripora Kulgam, and Mr. Shabir Ahmad Bhat s/o Ghulam Ahmad Bhat R/o Kharbrari, Yaripora Kulgam have managed to enter in the School Education Department by fraudulent means, therefore may be deemed to have never been appointed in the Education Department by legal means and as such recommends that their fraudulent appointments be*



*declared void ab-initio and also recovery of the loss caused to the Govt. Exchequer be initiated against them under rules.*

**WHEREAS,** the Hon'ble Supreme Court in catena of judgements has held that it is not necessary for the employer to hold an enquiry before dispensing with the services of such an employee which has never been in existence /non-est in the eyes of law and that the observance of principles of natural justice is not necessary in such cases; and

**WHEREAS,** the aforesaid judgements have been re-iterated and taken as reference by the Hon'ble High Court of J&K and Ladakh in a recent judgement dated 02.12.2022, passed in the CSA No. 13/2004, wherein it has been held that there is no need to conduct an inquiry into case of fraudulent appointments being non-est in the eyes of law; and

**NOW THEREFORE,** keeping in view the above facts and circumstances, the fraudulent entries managed in the School Education Department by Mr. Farooq Ahmad Bhat S/o Mohd. Maqbool Bhat R/o Kharbrari, Yaripora Kulgam, and Mr. Shabir Ahmad Bhat s/o Ghulam Ahmad Bhat R/o Kharbrari, Yaripora Kulgam on the basis of above mentioned orders being non-est in the eyes of law, are hereby declared null and void, *ab-initio*. Consequently, the benefits drawn out of the said fake entry shall be recovered immediately from the subject(s).

**Sd/-  
Director**

School Education Kashmir

No:- DSEK/Estt-III/B-Trs/*FIR-No-13/62/VN4-103/2593-02* dated:-*14/08/2024*  
**Copy to the:-**

1. Principal Secretary to Government, School Education Department, Civil Secretariat, Jammu/Srinagar for favour of kind information.
2. Deputy Commissioner, Kulgam for favour of information and with the request to recover the amount drawn fraudulently by Mr. Farooq Ahmad Bhat S/o Mohd. Maqbool Bhat R/o Kharbrari, Yaripora Kulgam, and Mr. Shabir Ahmad Bhat S/o Ghulam Ahmad Bhat R/o Kharbrari, Yaripora Kulgam from their property as arrears under the provisions of the J&K Land Revenue Act.
3. Senior Superintendent of Police, Economic Offence Wing Kashmir Srinagar for information.
4. Deputy Legal Remembrancer, DSEK for information.
5. Chief Education Officer Anantnag/Bandipora for information and immediate necessary action.
6. I/c IT section DSEK for uploading the order on the official website.
7. Mr. Farooq Ahmad Bhat S/o Mohd. Maqbool Bhat R/o Kharbrari, Yaripora Kulgam for information.
8. Mr. Shabir Ahmad Bhat s/o Ghulam Ahmad Bhat R/o Kharbrari, Yaripora Kulgam for information.
9. Office records.

**Joint Director(SE)**

Directorate of School Education  
Kashmir