



Government of Jammu & Kashmir
Directorate of School Education Kashmir



Sub:-SWP No. 2064/2003 titled Shri Krishan Raina Vs State of J&K & CPSW No. 141/2015 titled Shri Krishan Raina Vs B.K. Singh and Ors.

ORDER NO 250 DSEK OF 2023

Dated 06 /10/2023

Whereas, Shri Krishan Raina S/o Ram Chand R/o At present Jammu filed a writ petition in the Hon'ble High Court challenging therein the selection of teachers made by the JKSSB, pursuant to its Notification dated 21.06.1986; and

Whereas, pursuant to the orders passed by the Hon'ble High Court on 04/08/1995, the said petitioner was appointed as Teacher in District Cadre Kupwara by the Administrative Department vide order No. 1154 Edu of 1995 dated: 27/06/1996; and

Whereas, the petitioner after joining on the post as teacher at HSS Nagrota agitated the issue for retrospective effect to his appointment on notional basis from **04/04/1988** on the same analogy as has been adopted in respect of his two counter parts namely **Ms. Kirni Kumari D/o Gopi Nath R/o Gund Gushi District Kupwara and Ms. Bitra Kumari D/o Pt. Jagar Nath Bhat R/o Gulgam District Kupwara** by the Administrative Department vide Government Order No. 837-Edu of 2000 dated 02.08.2000 in the Hon'ble High Court at Jammu and filed SWP No. 2064/2003 titled Shri Krishan Raina Vs State and others ; and

Whereas, the Hon'ble High Court disposed off the Writ petition No. 2064/2003 on **25/11/2014** and passed the following orders:

"For the reasons mentioned above, the petition is allowed. Respondents are directed to consider the case of the petitioner for grant of notional benefit with effect from 04.04.1988 as has been given to other similarly situated. employees by virtue of Government Order No. 837-Edu of 2000 dated 02.08.2000. Let the order of consideration be passed within two months from the date, copy of the order is made available to the respondents. After the order of consideration is passed, seniority of the petitioner shall be fixed accordingly at the appropriate place."

Whereas, the Administrative Department was requested to convey necessary instructions/orders in the matter in light of orders passed by Hon'ble High Court dated: 25/11/2014 vide this office communication dated **22.12.2015**; and

Whereas, the Administrative Department vide their communication dated: 25.05.2016 conveyed that **"the DSEK is the appointing authority of the petitioner, as such is competent to decide such cases at its own level"; and**

Whereas, the case remained under correspondence with the Administrative Department and the office and in the meanwhile contempt petition was listed before the Hon'ble High Court Jammu on 13/09/2023 and Hon'ble Court was pleased to pass the following orders


"needful shall be done by the next date of hearing positively failing which, the Director School Education Jammu and Director School Education Srinagar shall appearing personally before the court on the next day of hearing"

Whereas, the issue was examined by this office in light of orders passed by the Hon'ble High court and the instructions conveyed by the Administrative Department and it has been observed that the counter parts of the petitioner namely **Ms. Kirni Kumari D/o Gopi Nath R/o Gund Gushi District Kupwara and Ms. Bitu Kumari D/o Pt. Jagar Nath Bhat R/o Gulgam District Kupwara** were accorded retrospective effect to their appointment on notional basis from **04/04/1988** by the Administrative Department vide Government Order No. 837-Edu of 2000 dated 02.08.2000 and as such adopting the same analogy, the petitioner needs to be given same effect to his appointment.

Now, therefore, in compliance to the orders passed by the Hon'ble High court on **25/11/2014 & 13/09/2023** and in light of instructions conveyed by the Administrative Department vide above referred communication and in view of the Government Order No. **837-Edu of 2000 dated 02.08.2000**, the appointment in respect of **Shri Krishan Raina S/o Ram Chand, Ex-Teacher HSS Nagrota** as teacher shall take effect from **04/04/1988 on notional basis (without allowing any monetary benefits) as ordered vide Govt. Order No. 1154 Edu of 1996 dated: 27/06/1996.**

No: DSEK/Legal/1934/misc/10447 -
Copy to:-

1. Principal Secretary to Govt. School Education Department, Civil Secretariat, Srinagar for information.
2. Director School Education, Jammu for information.
3. Joint Director (Mig Cell) Jammu for information.
4. Chief Education Officer, Kupwara for information.
5. Concerned for information.
6. In-Charge Website.
7. Order file.


Director,
School Education Kashmir
Dated: 06/10/2023