

Government of Jammu and Kashmir
Directorate of School Education
Kashmir

Subject: - Regularization of Rehbar-e-Taleems.

ORDER NO: 255 - DSEK OF 2022

DATED: 24/03/ 2022

Whereas, Zonal Education Officer, D.H.Pora invited applications from eligible candidates for engagement of ReTs in newly sanctioned Primary schools under SSA scheme including newly sanctioned Primary school, Sofi Mohalla Chacki Watoo. Two vacancies were to be filled up on the patten of ReT scheme.

Whereas, as the petitioner Mr. Mushtaq Ahmad Thoker S/o Nazir ahmad Thoker R/o Watoo applied for one of the aforementioned posts I the newly opened Primary School, Sofi Pora Chacki Watoo.

Whereas, Zonal Education Officer, D. H. Pora prepared panel on habitation level (Sofi Mohalla Chacki Watoo) in terms of Govt. Order No. 288-Edu of 2003.

Whereas, the petitioner apprehending his exclusion in the panel if prepared on Sofi Mohalla (Chacki Watoo) level, filed writ petition SWP No. 1854/2010 in the Hon'ble High Court claiming therein that Sofi Mohalla is not a separate habitation but small Mohalla land does not fulfill the terms as laid down in the Govt. Order No. 288Edu of 2009.

Whereas, the said petition was disposed of vide judgement dated 22.03.2011 with the direction to the Deputy Commissioner that he shall get the spot verification conducted through senior officer so as to ascertain as to whether Sofi Mohalla is a separate habitation in the process both the parties shall be heard and based on such enquiry report appointment shall be made.

Whereas, the Deputy Commissioner, Kulgam, in compliance there to appointed Assistant Commissioner, Revenue as enquiry officer. The Assistant Commissioner, Revenue in his enquiry report recommended that Sofi Mohalla could be considered as a habitation. However the report reveals that the Habitation does not qualify the terms as laid down in the Govt. Order No. 288Edu of 2009.

Whereas, the Deputy Commissioner on the basis of the afore-mentioned report from the Assistant Commissioner, Revenue in his order dated 29.06.2011 directed the then Chief Education Officer, Kulgam, to issue the formal order to the respondent No. 05 Mr. Mohammad Azad Magrey S/o Mohd Ayoub Magray R/o Watoo belonging to Sofi Mohalla Chaki Watoo.

Whereas, this office in compliance with the Deputy Commissioner, Kugam's order mentioned above issued tentative selection in favour of the respondent No. 05 and subsequently issued formal orders to the candidate presently working as ReT in Sofi Mohalla Chaki Watoo from July, 2011.(Cont..p2)

Whereas, the petitioner challenged the selection of the respondent No. 5 by medium of SWP No. 1475/2011 in the Hon'ble High Court and the Hon'ble Court passed an interim order dated 16.07.2011 directing the respondent not to give effect to the tentative selection in respect of respondent No. 05.

Cont.....p/2

Whereas, the respondent was issued formal engagement order on 18.07.2011 in Hon'ble High Court and is till date working as ReT in the said school.

Whereas, the petitioner filed the instant petition bearing SWP No. 1925/2011 wherein engagement order favoring respondent No. 05 was challenged.

Whereas, the Hon'ble Court in its order dated 02.01.2013 has held that the petitioner being admittedly superior in merit to the respondent No. 05 has superior right of engagement but has been deprived of such right in view of wrong conclusion drawn by Assistant Commissioner, Revenue and acted upon wrongly by the Deputy Commissioner when the selection was to be made at Habitation Chaki Watoo level.

Whereas, the Hon'ble Court while disposing of the case passed order dated 02.01.2013, operative portion of the same which reads as under:

"...The respondent no. 05 has been engaged on 18.07.2011, means has been working for last more than one year, it would be too harsh to dislodge him when no fault is attributable to him but the engagement order in his favour has been issued at the cost of rights of the petitioner, therefore, engagement has to be quashed but for avoiding such harsh situation, the official respondents shall consider the petitioner for engagement as ReT against an available vacancy within a period of six weeks. In case of non-availability of vacancy, then engagement order of respondent No. 5 shall stand quashed and petitioner shall be adjusted as against the same vacancy."

Whereas, Director School Education, Kashmir, letter No. DSEK/ Legal/ 414/11/4390 dated 18.04.2013 directed this office to take steps for rectifying the illegal selection as emerged from the enquiry of the Deputy Commissioner.

Whereas, the case of the petitioner along with other similarly situated cases was taken up with the Administrative department for post facto approval to the engagement of the petitioner and the Administrative Department vide communication No. Edu-LGLOCoU/38/2021-04-SED dated 03.11.2021 advised this directorate to decide the issue of petitioner and other similarly situated candidates at the directorate level itself.

Whereas, in compliance to Administrative Department instructions, the case was placed before the designated committee in the meeting held and it has been advised that the similar nature cases be examined in light of the Administrative instructions dated 03.11.2021 and during the course of examination it was observed that the candidate has been engaged as ReT by the Chief Education Officer, concerned in compliance to the Hon'ble Court directions wherein the Commissioner Secretary, School Education and Director, School Education, Kashmir, also figure as respondent No.1 & 2 and the order passed was to be compiled by anyone of the official respondents, as such the compliance of the order by concerned Chief Education Officer tantamount to compliance by all the official respondents.

Now, in pursuance of Government Order No's:549-Edu of 2005 Dated 22-08-2005, 368-Edu of 2017 Dated: 29-06-2017 and on the recommendations of Chief Education Officer, Kulgam (01) Rehbar-e-Taleem of District Kulgam whose particulars are mentioned below, is regularized as RReT in the pay scale of Rs.5200-20200 with grade pay of Rs.2800/-

S. No	District	Zone	Name of RT	Parentage	Residence	School in which engaged	Qual. at the time of engagement	Date of Birth	Date of engagement as RET	Date from which regularized	Nature of vacancy
1	Kulgam	D H Pora	Mushtaq Ahmad Thoker	Nazir Ahmad Thoker	Wattoo	PS Sofi Mohalla Checki Wattoo	BA	06/12/80	21/5/13	21/5/18	SSA

It is further ordered that the concerned Chief Education Officer shall issue the formal order in favour of the above ReT, after ensuring that the candidate is fulfilling all the conditions mentioned below:-

- That the Rebar-e-taleem has been engaged as per norms laid down in the SSA scheme;
- That the **Rehbar-e-Taleem** has completed five years continuous / un-interrupted service and was/ engaged genuinely;
- That the work and conduct of the **Rehbar-e-Taleem** has remained satisfactory for the last five years which shall be certified by the Village Education Committee concerned in association with the respective Zonal Education Officer/Head of the Institution /Chief Education Officer, as the case may be;
- That the **Rehbar-e-Taleem** possesses the minimum prescribed qualification for appointment at the time of initial appointment as ReT through J&K Board of School Education Kashmir or any recognized Board/University and has not obtained any qualification/degree (s) through study centre /Tuck shop;
- That the **ReT** has not remained on the rolls of any college /Institution during five years of honorarium service;
- That the **Rehbar-e-Taleem** has maintained a close rapport with the local community in helping to promote accountability and quality;
- That the **Rehbar-e-Taleem's** contribution in universal enrolment and retention of children has been satisfactory;
- That the CEO/DDO concerned shall ensure that the maternity leave, if any; availed by the female **ReT** during 5 years honorarium service, which has not been reported/reflected earlier is entered in the service book of such **ReT** whose regularization has been considered
- That the **CEO/DDO** concerned are personally responsible to verify following original testimonials and ensure that the **ReT** fulfils all the conditions as laid down in the above quoted Govt. Orders before giving effect to this order :-
 - > Academic qualification certificate;
 - > Physical fitness certificate issued by concerned Chief Medical Officer;
 - > DOB as per matriculation certificate issued by J&K BoSE/ CBSE;
 - > Permanent Residence Certificate issued by competent authority;
 - > No loan certificate from DIC and Dy. Director employment /Director EDI;
 - > Character/ Antecedents verification certificate from IGP, CID. In case of adverse report from CID, the regularization of the candidate shall be deemed to have been cancelled in abinitio;
 - > The regularization of the ReT shall be governed by the "new pension scheme" as per SRO-400 of 2009 Dated 24-12-2009;
 - > Reserve category certificate, if appointed under reserved category.
- That if on verification, the certificates produced by the ReT are proved fake or forged, her engagement/ regularization shall be deemed to have been cancelled in abinitio;
- That if the candidate (**ReT**) appointed during winter breaks be dealt in terms of circular instructions issued by this Directorate vide No. Estt-III/B-Trs/ReT/Misc/99/28/1828 Dated 08-06-2010.
- That as a matter of policy and consistent with academic imperatives in respective schools, the **Rehbar-e-Taleem** so regularized shall not be transferred/ deployed/ attached/deputed;
- That no arrears shall be paid unless funds for the purpose are released by the competent authority under relevant head;
- that the candidate was not engaged in Hanging/Detached School

This order is issued without prejudice to any writ petition/suit/case if any pending/ subjudice in the Hon'ble High Court or any other court of law.

Sd/-
Director School Education
Kashmir

Dated: 24/03/2022

No:-DSEK/SSA/ReT/Reg/Kup/ 2022/ 443-44

Copy to the:-

- Principal Secretary to Government School Education Department, Civil Secretariat, Jammu for information.
- Chief Education Officer, Kulgam for information and necessary action. In case any variation/ discrepancy is detected in the particulars of **Rehbar-e-Taleem** so regularized, the order shall not be given effect and the same should be referred to Directorate within 15 days and no claim shall be entertained after stipulated period.
- Order/Stock file,



Joint Director

Directorate of School Education Kashmir