

**GOVERNMENT OF JAMMU AND KASHMIR
DIRECTORATE OF SCHOOL EDUCATION
KASHMIR**

Sub: Regularization of Ashaq Hussain ReT MS Gungbugh Zone Batmaloo.
Ref: Chief Education Officer Srinagar's NO: CEO/Gen/3609 dated: 07.06.2021

**ORDER NO: 422 - DSEK OF 2022
D A T E : 16 / 07 / 2022**

Whereas, Zonal Education Officer, Budgam issued a notification on 23.2.2008 inviting applications from the candidates for filling up two posts of ReTs in MS Gungbugh falling within the jurisdiction of ward -65 of Srinagar Municipal Committee- in pursuance to instructions of Chief Education Officer, Budgam's letter NO: CEOB/Plg/2859-72 dated:18.2.2008, subsequently a corrigendum was issued by Zonal Education Officer Budgam to the effect that Ward NO:65 be read as Ward NO:32 as reflected in the above notification; and

Whereas, the action on part of Zonal Education Officer, Budgam was challenged before court of law and the Hon'ble High court directing the department to look into the matter with direction to the petitioner to approach competent authority by way of filing a representation; and

Whereas, Zonal Education Officer, Budgam approached the Municipal authorities seeking clarification as to whether village Gangbugh falls within the jurisdiction of Ward NO:32 or 65/W-27 as reported by Ward Officer-32 vide NO:32/51-53 dated:28.2.2008 and also a certificate issued by the Assistant Secretary General Srinagar Municipal Corporation vide NO:SMC/Gen/390 dated:7.3.2008 intimated the Zonal Education Officer concerned that the area of village Gangbugh falls within the jurisdiction of Municipal Limits of Srinagar city under Municipal Ward NO:65 (Khumani Chowk) under administrative Ward NO:27, as the same was also verified in the town area planning wing of SMC;and

Whereas, during the course the Govt, issued fresh directions for delimitation due to demarcation of new districts and the instant case was transferred to District Srinagar (Chief Education Office Srinagar) as the Middle School Gangbugh came under jurisdiction of Zonal Education Office, Srinagar; and

Whereas, Chief Education Officer, Budgam transferred the whole process of the case to Chief Education Officer, Srinagar and Chief Education Officer, Srinagar sought some instructions from higher authorities vide his letter NO:CEO/Lit/10653-54 dated:31.7.2009

Whereas, Director School Education Kashmir accordingly issued instructions to the concerned for processing the case in accordance with the previous scheme and proper assistance shall be provided- in case any difficulty is faced; and

Whereas, the applicant Mr.Ashaq Hussain also applied for the post under ward -32 on the basis of the certificate issued by the concerned ward Officer of ward-32. Since some confusion had emerged with regard to wards, the applicant also came to know that the ward officer of ward-32 is not competent to issue ward certificate. Therefore, Mr.Ashaq Hussain also applied to SMC authorities through the medium of representation for grant of ward certificate as he is also a resident of village Gangbugh which is falling within the jurisdiction of ward-65 vide letter NO:smc/gen/175 dated:28.5.2011;and

Whereas, the applicant Mr.Ashaq Hussain S/o Gh.Qadir Sofi R/o Gangbugh filed a representation for considering his case for engagement in the school on the ground that he too hails from ward -65 and the documentary evidences in support for his claim also enhances his claim as the Municipal authorities certified vide NO: SMC/Gen/175 dated: 28.5.2011 that Ashaq Hussain falls in ward: 65; and

Whereas, a tentative list for selection of Mr.Ashaq Hussain as ReT in MS Gangbugh was framed and objections were invited from the general public through print media which was published in two daily news papers, however, no objection was received from any person within the prescribed period; and

Whereas, Chief Education Officer, vide his letter NO: CEO/814 dated: 13.3.2012 approached Director School Education Kashmir for the approval to the engagement of Mr.Ashaq Hussain as ReT in MS Gangbugh; and

Whereas, panel was framed by Zonal Education Officer, Batmaloo duly endorsed by Chief Education Officer, Srinagar and got approved by the Director School Education Kashmir vide NO:DSEK/SSA/RT/Srinagar/837 dated:30.4.2012; **Cont..on ..P:02**

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Whereas, after some time the certificates issued by SMC in favour of the selected candidate were challenged by one Nasreen Qadir D/o Gh.Qadir claiming therein that MS Gangbugh falls under administrative Ward-32 ;and

Whereas, the selected candidate Mr.Ashaq Hussain approached to Hon'ble court through medium of writ petition bearing NO:1536/2013 and status quo order was passed, however, in the meanwhile an FIR was also lodged against the selected candidate; and

Whereas, Chief Education Officer, Srinagar again took the matter with commissioner Srinagar Municipality vide NO: CEO/legal/2996-97 dated: 26.9.2015 seeking information as to whether the certificate issued in favour of the said ReT teacher has been reconsidered and in response SMC cancelled the ward certificate of the selected ReT teacher vide NO:SMC/Gen/768-70 dated:23.5.2016;and

Whereas, aggrieved by the cancellation of ward certificate ,the selected ReT teacher again challenged the same before the Hon'ble High court of J&K vide SWP NO:1239/2016 and the cancellation of ward certificate was stayed vide order dated:9.6.2016;and

Whereas, during the pendency of the writ petition the petitioner again represented before Commissioner Srinagar Municipal Corporation for reconsideration of the matter; and

Whereas, on the said representation SMC constituted a committee vide NO: SMC/Gen/864-71 dated: 9.6.2016 for verification of the ward certificate; and

Whereas, the verification report could not be finalized by the said committee, therefore, another seven member committee was constituted by SMC vide order NO:SMC/Gen/439-63 dated:6.7.2017 and NO:SMC/Gen/459-63 dated:18.7.2017;and

Whereas, the seven member committee submitted their report vide NO: SMC/Gen/663 dated: 17.8.2017 and recommended the restoration of ward certificate issued already in favour of the selected ReT teacher issued by SMC vide NO:SMC/Gen/175 dated:28.5.2011;and

Whereas, on the basis of report of seven member committee the Hon'ble High court disposed of the writ petition filed by petitioner Mr.Ashaq Hussain; and

Whereas, Director School Education Kashmir vide NO:DSEK/legal/302/13/948 dated: 20.8.2018 sought the information from CEO Srinagar as to whether there was any other candidate belonging to the ward-65 and also to intimate whether the said teacher is falling within the consideration zone of final list on the basis of 10+2 qualification; and

Whereas; Chief Education Officer, intimated that none of the candidates except Mr.Ashaq Hussain has submitted a fresh ward certificate for the ward-65 and also intimated that the selected ReT is falling within the ambit of consideration zone as far as final list is concerned; and

Whereas; ZEO Batmaloo reported that the petitioner Mr.Ashaq Hussain has been properly engaged by the competent authority on the basis of ward certificate of ward-65 issued by SMC vide communication NO:SMC/Gen/175 dated:28.5.2011;and

Whereas, after completion of five years of service as ReT Chief Education Officer, Srinagar vide his NO: CEO/Gen/3609 dated: 07.06.2021 forwarded the case file of Mr.Ashaq Hussain ReT for regularization;

Whereas, on scrutiny of the case some observations were noticed and issue was taken up with Chief Education Officer, Srinagar vide this office letter NO: DSEK/SSA/ReT/66/Sgr/428/20 dated: 29.6.2021; and

Whereas, ZEO Batmaloo vide letter NO: ZEOB/B/2021/5944-45 dated: 30/7/2021 intimated that "...the basic engagement of Mr.Ashaq Hussain and Irshad Ahmad Dar (deceased) ReT at Gangbugh is under challenge before the Hon'ble High court in writ petition filed by one Gul Ahmad Dar and Nasreen Qadir and the matter is subjudice, besides an FIR also stands lodged in Crime Branch Kashmir which is under investigation..";and

Whereas, an enquiry committee of two members including Joint Director (Central) as chairman and OSD (SSA) as member was constituted by DSEK vide order NO:883 DSEK of 20 dated:21.12.2019 to submit their report/recommendation in the matter; and

Whereas; enquiry committee submitted their report/recommendations which reads as under "...the instant candidate namely Irshad Ahmad was engaged as ReT on the basis of the ward certificate in the ward NO:65 on the basis of the panel framed as per the advertisement NO:ZEO/B/Plg/SSA/2299-2302 Dated:23.2.2008, if any case is related to it that should be disposed off consequently..";and

Whereas, the case of Mr.Ashaq Hussain and Irshad Ahmad Dar (deceased) ReTs at Gangbugh were placed before the DLRC on 23.11.2021 and committee decided to take up the matter with Crime Branch Kashmir for obtaining present status of the case; and

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Whereas, SSP Crime Branch Kashmir vide its communication NP/CBK/R/31/15/22-10605-06 dated: 21.5.2022 intimated as under:

"..the investigation of the said case was closed as '**Not proved**' and final report(Ikhtitami) thereof presented before the Hon'ble court Forest Magistrate Srinagar on 18.4.2022, however, this communication shall be subject to final outcome from the Hon'ble court..";and

Whereas, among others the cases of Mr.Ashaq Hussain and Mr.Irshad Ahmad Dar (deceased) ReT GMS Gangbugh were placed before the DLRC held on 16.6.2022 and the committee decided to regularize these two ReTs **subject to final outcome of the suit from the Hon'ble court; and**

Now, therefore, the services of below mentioned ReT is hereby regularized in the pay scale of Rs. 5200-20200 with Grade Pay of Rs.2800/=(Pre-revised).

| District | Zone | Name of the ReT | Parentage | Residence | Name of the School | Qualification | Date of Birth | Date of Engagement | Date of Regularization | Nature of vacancy |
|----------|----------|-----------------|---------------|-----------|--------------------|---------------|---------------|--------------------|------------------------|-------------------|
| Srinagar | Batmaloo | Ashaq Hussain | Gh.Qadir Sofi | Gangbugh | MS Gangbugh | B.Sc | 03.03.1979 | 07.06.2012 | 07.06.2017 | SSA |

The regularization of ReT as RReT shall remain subject to the fulfillment of following conditions.

- v. That the above named ReT at the time of his initial appointment as ReT possessed the minimum prescribed qualification through J&K Board of School Education Kashmir or any recognized Board/University and has not obtained any qualification/degree (s) through study centre/distance mode.
- vi. That the above named ReT has not remained on the rolls of any college/University during five years of honorarium service.
- vii. That the contribution in universal enrolment and retention of children has been maintained by the ReT;
- viii. That the CEO/DDO concerned are personally responsible to verify following original testimonials and ensure that the Rehbar-e-Taleem (ReT) fulfill all the conditions as laid down in Govt.order before giving effect to this oOrder:
 - g) Academic qualification Certificate.
 - h) Age & health certificate.
 - i) Permanent Residence Certificate.
 - j) No loan certificate.
 - k) Character/Antecedents verification from IGP, CID.
 - l) ST certificate in case of ST candidates, if appointed under reserved category.
- ix) That ReT shall furnish an affidavit duly attested by Ist Class Judicial Magistrate to the effect:
 - d) in case adverse order/judgement from court he shall have no claim to the engagement /regularization;
 - e) He shall reimburse the amount whatsoever found due to him in case engagement of the candidate is quashed by the Hon'ble court;
 - f) If at any point of time adverse report with regard to qualification/ Character antecedents is received the applicant shall have no claim over engagement/regularization and the same shall stand cancelled in abinitio;
- x) The regularization shall remain **subject to final outcome of suit** and any other case if pending before any court of law which is not within the knowledge of department;


Sd/-
Director School Education
Kashmir.

No: DSEK/SSA/ReT/Reg/Sgr/ 36-37/2022

Dated: 16/07/2022

Copy to:

- 1- Principal Secretary to Government School Education Department, Civil Secretariat Srinagar/Jammu for information.
- 2- Chief Education Officer Srinagar, 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 shall be brought into the notice of Directorate within 15 days and no claim shall be entertained after stipulated period.
- 3- Order/Stock file.


Joint Director (E E)
Directorate of School Education
Kashmir.