

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

Sub: Regularization of Irshad Ahmed Dar (deceased) ReT MS Gungbugh Zone Batmaloo.  
Ref: Chief Education Officer Srinagar's NO: CEO/Sgr/legal/ ReT/ 9301-02 dated: 12.4.2018

**ORDER NO: 423- 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 treated as Ward NO:32 as reflected in the above notification; and

Whereas, Mr.Irshad Ahmad Dar (deceased) ReT MS Gagbugh among others applied for the ReT post of MS Gangbugh from ward 65; figuring at S.NO: 07 in the tentative panel (list);and

Whereas, some candidates made complaints against the advertisement- on the ground that the advertisement may be made on Revenue basis instead of ward basis; and

Whereas, Mr.Irshad Ahmad Dar(deceased) ReT MS Gagbugh approached to Hon'ble High court through medium of SWP O:497/2008 titled Irshad Ahmad Dar V/s State and others; and

Whereas, while disposing of the above captioned petition the Hon'ble High court vide judgement dated: 9/4/2008 concluded in the precise form which reads as "...corrigendum making the ward '32' to be read in place of ward '65' relating to the school questioned, no cause arises to embark upon the area for identification of ward and petitioner shall approach the competent authority for appropriate cause of action; and

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

Whereas, Chief Education Officer, Srinagar, sought clarification/approval for engagement of the petitioner (Mr.Irshad Ahmad Dar-deceased) from Director School Education as per instructions of Hon'ble High court; and

Whereas, Director School Education vide letter NO:DSEK/Legal/ 64/08/4160 dated:28.8.2009 accorded approval for processing of the case of the petitioner as ReT on ward level basis as the petitioner is the only candidate who fulfilled the requirements in view of the notification for ward 65 instead of ward 32;and

Whereas Zonal Education Officer, Batmaloo vide letter dated: 12.9.2009 was directed to process the case of the eligible candidate for ward 65; and

Whereas, Zonal Education Officer, Batmaloo vide letter dated:21.10.2009 confirmed that MS Gangbugh falls in ward NO:27 (Municipal) and corrigendum had been issued for reading ward-32 and sought instructions from Chief Education Officer, Srinagar whether Math/Science subjects (candidates) are to be considered for selection; and

Whereas, Chief Education Officer, Srinagar vide letter dated: 17.12.2009 directed Zonal Education Officer, Batmaloo to deal the case in accordance with the previous scheme; and

Whereas, in view of no response from Zonal Education Officer, Batmaloo, the Chief Education Officer, Srinagar took up the issue with Commissioner Municipal Corporation Srinagar for clarification; and

Whereas, Commissioner Municipal Corporation Srinagar vide letter NO:SMC/Gen/1325 dated:31.3.2011 reported that MS Gangbugh falls within Municipal limits of electoral Ward N:65 ,Administrative Ward NO:27 and the case of the petitioner (Mr.Irshad Ahmad Dar-deceased ) may be disposed of accordingly; and

Whereas, Chief Education Officer, Srinagar vide letter NO: CEO/Estt/1277 dated: 22.6.2011 again brought all the facts of the case into the notice of Director School Education Kashmir for final consideration of the case; and

Whereas, Director School Education Kashmir vide letter NO: DSEK/legal/ 64/089162 dated: 2.9.2011 directed Chief Education Officer, Srinagar to process the case of the rightful and meritorious empanelled candidate (petitioner) hailing from the ward where the slot exist i.e. MS Gangbugh; and

**(cont..on P-02)**



(P...02)

Whereas; Mr.Irshad Ahmed Dar (deceased) was engaged as ReT in MS Gangbugh (Zone Batmaloo) vide Chief Education Officer, Srinagar's order NO: 564 CEO/S/2011 dated: 26. 9. 2011; and

Whereas, after completion of five years of service as ReT Chief Education Officer, Srinagar, vide his NO: CEO/Sgr/legal/ReT/9301-02 dated: 12.4.2018 forwarded the case file of Mr.Irshad Ahmed Dar (deceased) ReT MS Gangbugh for regularization; and

Whereas, on scrutiny of the case it was noticed the case of the deceased ReT is still subjudice together with Mr.Ashaq Hussain ReT MS Gangbugh and the report (present status of the case) was sought from Chief Education Officer, Srinagar for both the cases; and

Whereas, ZEO Batmaloo vide his 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 MS Gangbugh is under challenge before the Hon'ble High court in writ petition filed by one Gulzar Ahmad Dar and Nasreen Qadir and the matter is **subjudice**, besides **an FIR** also stands lodged in PS 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 2019 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 said 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 MS 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

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

"..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 MS Gangbugh were placed before the DLRC held on 16.6.2022 and the committee decided to regularize the services of 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	Irshad Ahmed Dar(deceased)	Abdul Gani Dar	Bathar Budgam	MS Gangbugh	B.Sc B.Ed	15.9.1980	28.10.2011	28.10.2016	SSA

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

- 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.
- That the above named ReT has not remained on the rolls of any college/University during five years of honorarium service.
- That the contribution in universal enrolment and retention of children has been maintained by the ReT;
- 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 order:
  - Academic qualification Certificate.
  - Age & health certificate.
  - Permanent Residence Certificate.
  - No loan certificate.
  - Character/ Antecedents verification from IGP, CID

**Cont..on P...03**

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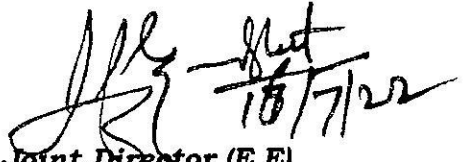
- f) ST certificate in case of ST candidates, if appointed under reserved category.  
vi) That ReT shall furnish an affidavit duly attested by Ist Class Judicial Magistrate to the effect:
- a) in case adverse order/judgment from court he shall have no claim to the engagement /regularization;
  - b) He shall reimburse the amount whatsoever found due to him in case engagement of the candidate is quashed by the Hon'ble court;
  - c) 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;
- vii) 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/38-39/2022  
**Copy to:**

Dated: /6 /07 /2022

- 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.**

