

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

Sub: Regularization of Ajaz Ahmad Najar ReT MS Lanoora Zone Dreygam.

Ref: Chief Education Officer Budgam's NO: CEOB/Estt/ReT-reg/2021/17346 dated: 04.06.2021

ORDER NO: 424- DSEK OF 2022
D A T E : 16 / 07 / 2022

Whereas, the Zonal Education Officer, Dreygam issued advertisement notification for filling up of three posts of ReTs that became available due to upgradation of Primary School Lanoora through print media dated: 01.12.2004; and

Whereas, four (04) candidates applied for the said posts, however, some aggrieved candidates of the concerned village Lanoora approached the higher authorities on the ground that the said notification was not given vide publicity and after proper enquiry one more advertisement notification was published on 27.4.2005 without publishing it in any prominent local news paper; and

Whereas, another panel of 08 (eight) candidates was framed including Mr. Ajaz Ahmad Najar who was figuring at S.NO:01 in the first panel and at S.NO:03 in the second panel, however, in the second panel two candidates namely Rafiq Sultan and Waheeda Parveen figuring at S.NO:01 and 02 were also included; and

Whereas, aggrieved by framing of revised panel, the two candidates namely Mr. Mushtaq Ahmad Thokar and Mr. Abdul Hamid Najar figuring at S.NO:02 & 03 in the first panel along with petitioner Mr. Ajaz Ahmad Najar approached the Hon'ble District court Budgam and filed a civil suit titled Ajaz Ahmad Najar and others v/s state and others wherein the Hon'ble court of Sub-Judge Budgam issued the directions to respondents dated: 02.5.2005 with the direction which reads "...not to make any appointment till next date..." and whole of the process of selection/engagement remained in abeyance; and

Whereas, on 28.5.2010, the same Hon'ble court Budgam issued interim direction that

"...the process of engagement must be done and completed in accordance with the rules and guidelines, without making any departure from the procedure. However, the right of appointment/engagement shall be subject to the final outcome of main suit and whosoever is engaged, shall be bound to furnish an affidavit to the effect that in case the suit is decided against him/her he/she shall be liable for engagement and shall not claim any benefit or any right of permanent employment or claim any compensation on the basis of this order..."; and

Whereas, pursuant to court orders Zonal Education Officer, Dreygam/Chief Education Officer, Budgam completed the selection process in favour of the candidates who existed in the first tentative panel and accordingly the case was forwarded to Director School Education Kashmir for approval; and

Whereas; Director School Education Kashmir conveyed approval to Chief Education Officer, vide No: DSEK / SSA / RT / Budgam/457 dated: 09.11.2010 for the selection of proposed candidates with the conditions that the selection of all these three candidates will **remain subject to final outcome of the main suit**; and

Whereas, formal engagement orders were issued by the Chief Education Officer Budgam/Zonal Education Officer, Dreygam in favour of three candidates figuring at S.NO:01,02 & 03 in the first panel as ReTs in MS Lanoora, dated: 23.11.2010, however, these candidates could not join in view of the fact that the Hon'ble court of J&K Srinagar vide SWP NO : 1623/ 2010 titled Waheeda Parveen v/s state and others had issued the interim directions on 25.11.2010 which reads as under; and

"...having regard to the averments made in the petition as also documents placed on the file and submissions made at bar, order NO: CEOB/Plg/RT/2010/1047-77 dated: 22.11.2010 shall remain in abeyance till next date of hearing before the Bench..."

Whereas, Hon'ble High court Srinagar on 28.3.2011 again issued interim directions in SWP NO: 1623/2010 that the respondents are at liberty to proceed ahead with the process of selection/appointment, however, the appointment and selection of the petitioners shall remain **subject to final outcome of the suit** and the same petition stands dismissed on 17.2.2017 for want of prosecution..." and

Whereas, in compliance of court directions dated: 28.3.2017, three (03) candidates as engaged vide order dated: 22.11.2010 were allowed to work as ReTs w.e.f. 31.3.2011 in MS Lanoora; and

Cont. on P...02

P..02

Whereas, in the backdrop of pendency of Civil Suit before the Hon'ble Court of Sub-Judge at Budgam, all the 03 engaged candidates were not regularized after completion of five years of service as ReTs on 31.03.2016; and

Whereas, the Hon'ble court Budgam on 25.5.2017 dismissed the Civil Suit with no orders/relief, with the observations that official defendants cannot be mandated or restrained from carrying out their official duty as the operation of said order was stayed on 19.6.2017 vide an appeal as filed by the other two engaged ReTs except the petitioner Mr. Ajaz Ahmad Najar which is still pending for disposal before the Hon'ble court of Principal Session Judge at Budgam **in sine dine** position where the petitioner is not a party to that appeal as reported by Ld.Standing Counsel on 11/12/2012; and

Whereas, aggrieved by the delay of about six years in their regularization the petitioner as well as the other two engaged candidates approached the Hon'ble court vide O.A NO:575/2021 and SWP NO:2513/2018 wherein the directions have been issued by the concerned Hon'ble **CAT/Court** on 6/4/2021 and 29/10/2018 for the respondents to consider the case of the petitioner/applicants in terms of existing policy and as per the provisions of ReT Scheme, however, both these petitions stand disposed of on 06.4.2021 and 29.10.2018 respectively; and

Whereas, pursuant to **CAT decision** dated:6/4/2021 Chief Education Officer, Budgam vide this office communication dated:28.11.2020 was asked to submit the case file of Mr.Ajaz Ahmad Najar ReT MS Lanoora for process of regularization; and

Whereas; Chief Education Officer, Budgam vide his letter NO: CEOB/Estt/ReT-reg/2021/17346 dated: 04.6.2021 submitted the case file of Mr.Ajaz Ahmad Najar ReT MS Lanoora; and

Whereas, from the perusal of the documents some observations were raised by this office which were cleared by the Chief Education Officer, Budgam/Zonal Education Officer, Dreygam; and

Whereas, the case of Mr.Ajaz Ahmad Najar ReT MS Lanoora was placed before the DLRC held on 21.4.2022 under the Chairmanship of Joint Director (EE) and committee decided to refer the case to Legal section for re-examination; and

Whereas, after seeking legal opinion it was desired to place the issue before DLRC; and

Whereas, among others the case of Mr.Ajaz Ahmad Najar ReT MS Lanoora was placed before the DLRC held on 16.6.2022 and the committee decided to regularize the services of the ReT with the rider“.. **subject to final outcome of the suit from the Hon'ble court..**”; and

Now, therefore, the services of below mentioned ReT are hereby regularized in the pay scale of Rs. 5200-20200 with Grade Pay of Rs.2 400/=(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
Budgam	Dreygam	Ajaz Ahmad Najar	Mohd Abdullah Najar	Lanoora	MS Lanoora	10+2	04.11.1972	31.03.2011	31.03.2016	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 oOrder:Academic qualification Certificate.
 - Age & health certificate.
 - b)Permanent Residence Certificate.
 - No loan certificate.
 - Character/Antecedents verification from IGP, CID.
 - ST certificate in case of ST candidates, if appointed under reserved category.
- That ReT shall furnish an affidavit duly attested by Ist Class Judicial Magistrate to the effect:
 - in case adverse order/judgement from court he shall have no claim to the engagement /regularization;
 - He shall reimburse the amount whatsoever found due to him in case engagement of the candidate is quashed by the Hon'ble court;
 - 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; **Cont..on P-03**

(P..03)

- 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/Bud/ 40-41/2022

Dated: 16 / 07 / 2022

Copy to:

- 1- Principal Secretary to Government School Education Department, Civil Secretariat Srinagar/Jammu for information.
- 2- Chief Education Officer Budgam, 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.

