

Government of Jammu and Kashmir,  
Directorate of School Education  
Kashmir

Subject:-SWP No. 1928/2014 titled Latief Ahmad Dar Vs State of J&K and Others.

ORDER NO. 788-DSEK of 2021  
DATED : 66 / 11 / 2021

Whereas, Administrative Department vide communication No. Edu/I/254/2012 dated 14/08/2012 forwarded list of 339 candidates recommended by JKSSB vide communication No. SSB/Sel/Secy/012/2097-2100 dated 01/08/2012 for the post of "Teacher" in District Cadre Budgam for issuance of appointment orders in their favour; and

Whereas, accordingly, provisional appointment orders were issued in respect of all the recommended candidates vide this office Order No. 1764-DSEK of 2012 dated 15/09/2012; and

Whereas, in the meanwhile, Administrative Department vide communication No. Edu-I/254/2012 dated 29/11/2012 forwarded JKSSB's Order No. 188-SSB of 2012 dated 22/10/2012 wherein among others recommendation in respect of Latief Ahmad Dar figuring at S.No. 60 under RBA Category was cancelled owing to his Post graduation degree obtained from Global University through Distance Mode after 2005 which was not covered under SRO-339 of 2005 and S.No.1/wait namely Kulsooma Akhter W/o Parvez Subhan was upgraded to S.No. 65/RBA in the selection zone ; and

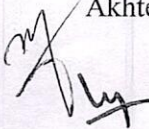
Whereas, vide this office order No. 2382-DSEK of 2012 dated 28/11/2012, provisional appointment order in respect of Latief Ahmad Dar was cancelled and Kulsooma Akhter W/o Parvez Subhan was placed at S.No. 65/RBA in the selection zone; and

Whereas, vide this office communication dated 23/01/2013 the Chief Education Officer Budgam was directed to verify the veracity of the original documents/category certificate from the issuing authorities in respect of and Kulsooma Akhter W/o Parvez Subhan figuring at S.No.1/wait (now at S.No. 65/RBA); and

Whereas, the Chief Education Officer Budgam vide letter No. CEOB/Estt/31597 dated 28/01/2013 intimated that their office has received an interim direction dated 04/01/2013 from the Hon'ble High Court in SWP No. 45/2013, the operative part of which reads as under:-

*"Notice for objections. Meanwhile, till next date before the Bench, impugned order bearing No. 2382-DSEK of 2012 dated 28/12/2012, to the extent it pertains to the petitioner, shall remain in abeyance."*

Whereas, in compliance to the directions of the Hon'ble High Court the petitioner (Latief Ahmad Dar) was again heard and afresh cancellation order was issued vide this office order No. 1207-DSEK of 2014 dated 29/08/2014, which was again stayed by the Hon'ble High Court vide order dated 13/10/2014 passed in SWP No. 1928/2014 titled Latief Ahmad Dar Vs State & Ors resultantly appointment order in respect of Kulsooma Akhter could not be issued; and



Whereas, two slots accrued due to non-joining of equal number of candidates for operation of waiting list, however, due to legal impediment appointment order could not be issued in favour of Kulsooma Akhter, though wait list in respect of S.No. 2/wait stand already operated; and

Whereas, the Administrative Department vide communication No. Edu-LGL0Kmr/34/2021 dated 16/08/2021 conveyed that the matter was taken up with the Department of Law, Justice and Parliamentary Affairs and in turn the Department of Law, Justice and Parliamentary Affairs vide U.O. No. Law-Lit-4/201/2021-10 dated 11/08/2021 has advised as under:-

*“Returned. Attention of the Department is invited to Circular No. 27-JK (GAD) of 2021 dated 10/08/2021, issued by General Administration Department. It is intimated that the recommendations of Service Selection Board made vide communication No. 188SSB of 2012 dated 22/10/2012 cannot be carried forward or re-validated at this stage as the same has lost its validity prior to 31 October 2019 in view of the change in legal framework and re-organization of erstwhile State.”*

Now, therefore, in view of the above and instructions conveyed by the Administrative Department vide communication No. Edu-LG0Kmr/34/2021 dated 16.08.2021, the issuance of appointment order in respect of Kulsooma Akhter W/o Parvez Subhan figuring at S.No. 65/RBA pursuant to her recommendation made by JKSSB vide Order No. 188-SSB of 2012 dated 22.10.2012 beyond its validity period is considered and rejected as the select list has already lost its validity prior to 31<sup>st</sup> October, 2019 in view of the change in legal framework and re-organization of erstwhile state.



*Lyiny*  
*05/11/21*  
**Director School Education  
Kashmir**

No: DSEK/ Estt/III/B-Trs/SSB/Sel/PMP/17/ 1815  
Copy to the:

Dated: 6 /11/2021

1. Principal Secretary to Government, School Education Department, Civil Secretariat, Srinagar for information.
2. Chief Education Officer Budgam for information.
3. Kulsooma Akhter W/o Parvez Subhan R/o Buzgoo Nilnag Chadoora District Budgam for information.
4. Order file/Stock file