

**Government of Jammu and Kashmir,
Directorate of School Education, Kashmir.**

Subject:- Provisional appointment of candidates for the post of Teacher (Education Department) District Cadre Budgam, (Item No. 384) advertised vide Notification No. 07 of 2010 dated 12.11.2010 under SWP No. 1797/2012 titled Fayaz Ahmad Bhat Vs State and Others.

Ref:- Administrative Department's letter No. Edu/Leg/K/208/2012 dated 03.02.2016.

**ORDER NO. 1116 DSEK OF 2016
DATED : 25/06/2016**

Whereas, the Administrative Department vide letter No. Edu-I/154/2012 dated 14.08.2012 forwarded the list of 339 candidates selected as Teachers for District Cadre Ganderbal pursuant to the selection made by the J&K Services Selection Board, Srinagar vide No. SSB/Sel/Secy/012/2097-2100 dated 01.08.2012;

Whereas, one aggrieved candidate namely **Fayaz Ahmad Bhat** filed a writ petition in the Hon'ble High Court through SWP No. 1797/2012 titled Fayaz Ahmad Bhat Vs State and Others wherein he made the plea that his M.Phil merit has not been considered by the SSB, by virtue of which he could not make place in the selection zone;

Whereas, the Hon'ble High Court on 29.08.2012 passed the orders as under:-

"The case is carved out for indulgence hence it is directed that one post of Teacher as advertised vide advertisement Notice No. 07 of 2010 dated 12.11. 2010 shall not be filled up. Objections, if any, within notice period.Modification/alteration on motion".

Whereas, in compliance to the Hon'ble High Court order dated 29.08.2012, the representation of the petitioner was dealt in detail and the Services Selection Board in its 89th and 90th Board meeting approved the case of the petitioner and awarded **Two (02)** points of M.Phil Degree and his merit position has been revised as **55.83** instead of **53.83**, as conveyed vide SSB's communication No. SSB/F-8/2012/L22-23/15 dated 11.06.2015 and recommended the selection of the petitioner for the post of Teacher in District Cadre Budgam against item No. 384 (Notice No. 07 of 2010 dated 12.11. 2010) and may be placed at appropriate position according to his merit and forwarded the same to Administrative Department;

Whereas, the Administrative Department vide letter No. Edu/Leg/K/208/2012 dated 07.08.2015 forwarded SSB's communication No. SSB/F-8/2012/L22-23/15 dated 11.06.2015 and sought details from this office with regard to the appointment orders issued alongwith wait list operated from the select list for teachers District Cadre Budgam issued in pursuance to advertisement notice No. 07 of 2010 dated 12.11.2010;

Whereas, vide letter No. Estt-III/B-Trs/66360 dated 30.09.2015, the Administrative Department was apprised that out of 12 slots under wait list only 11 slots stand utilized, leaving one post vacant against item 384 (Notice 07 of 2010);

Whereas, the Administrative Department vide letter No. Edu/Leg/K/208/2012 dated 03.02.2016 forwarded once again SSB's communication No. SSB/F-8/2012/L22-23/15 dated 11.06.2015 for favour of further necessary action, the operative part reads as under:-

"You are requested to implement the direction of the Hon'ble High Court in letter and spirit by passing appropriate order in favour of the petitioner against the post of Teacher District Budgam vide notification No. 7 of 2010 which be been reserved by the Hon'ble High Court vide No. 29.08.2012, while as the Board has not reserved the post in light of the judgement issued on 29.08.2012, as the SSB has already forwarded the selection list of Teacher post District Budgam pursuant to notification No. 07 of 2010 dated 12.11.2010 on,01.08.2012 to your Department for issuance of appointment orders in favour of selected candidates"

Whereas, the Administrative Department in their earlier communication No. Edu-I/286/2012 dated: 05.09.2012 conveyed guidelines to issue the provisional appointment orders in favour of the selectees after obtaining the undertaking on the devised format with the following explicit conditions:-

The salary in favour of the selected candidates is only drawn:-

- After receiving the satisfactory report of their character and antecedents/verification from the concerned quarter;
- After receiving the satisfactory verification of qualification certificates/date of birth certificate/category certificate;
- The appointee shall furnish an undertaking (as per Annexure) duly attested by the judicial Magistrate (Copy enclosed).

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If on verification the certificates produced by the appointee are proved fake/forged, the appointment order shall be deemed as cancelled abinitio and criminal proceeding shall be initiated against the candidates.

Whereas, in light of above instructions of the Administrative Department, a notification vide No. Estt-III/B-Trs/67125-28 dated 22.03.2016 was published through print media whereunder the petitioner was advised to submit his undertaking/other relevant papers within Seven days and also objections, if any, were sought from the general public with regard to her appointment as Teacher under OM Category in District Cadre Budgam;

Whereas, in response to the said notification dated 05.03.2016, Mr. Fayaz Ahmad Bhat S/o Ab. Rashid Bhat R/o Ompura Budgam furnished his undertaking on the devised format duly attested by the 1st Class Magistrate alongwith all original certificates and one objection was received within the stipulated time period, which has been taken up with the Administrative Department vide letter No. DSEK/Estt/III/SSB/Sel/194 dated 27.04.2016;

Now, therefore, in compliance to the orders of the Hon'ble High Court and recommendations of the SSB/Administrative Department, sanction is hereby accorded to the provisional appointment of Mr. Fayaz Ahmad Bhat S/o Ab. Rashid Bhat R/o Ompura Budgam (whose full particulars are reproduced below) as Teacher in District Cadre Budgam in the pay scale of Rs.5200-20200 with grade pay of Rs. 2800 and 2400 for Graduates and above and Under-Graduates respectively, admissible under SRO-93 dated 15.04.2009. The candidate is required to report to the Chief Education Officer, Budgam by or before 10th July, 2016 for seeking further posting on his own risk and responsibility till the verification/authentication of all relevant documents/certificates are received from the concerned agencies.

SSB S. No.	Ref. Of Item	Candidate Name	Father / Husband Name	Permanent Address	Date of Birth	Cat	Wtg. 10+2	Wtg. Grad.	Wtg. B.Ed	M.Phil	Vivo	Grand Points
159-A (As per revised merit position)	384 (07 of 2010)	Fayaz Ahmad Bhat	Ab. Rashid Bhat	Ompura Budgam	11.08.80	OM	15.04	5.69	11.00	2	15.33	55.83

The Chief Education Officer, Budgam shall allow the candidate to join on the post after verifying the following certificates (in original).

- Character and antecedents certificates from Additional Director General of Police (CID)
- Qualification certificates viz Degree/Marks
- Permanent resident certificates
- Age and health certificates
- Discharge certificate from the Institution attending/ last attended
- Certificate from the concerned authority to the effect that no loan under-self employment scheme has been taken by the concerned candidates.
- Category certificates (in case of reserved categories) under SRO 294 of 21/10/2005.
- total Marks/Marks obtained and percentage of the selectee be also got verified/authenticated from the issuing authority and ensure that the merit points reflected in the selection list are recorded according to the genuineness marks card /qualification certificate.

The formal appointment order of the candidate shall be issued only after receiving verification reports viz date of birth certificates / qualification/marks certificate/category certificate and other (if any) from the issuing authority through concerned Chief Education Officer and no salary till issuance of such order shall be drawn.

The provisional appointment of candidate is subject to the final outcome of the cases, if any, pending before in any Hon'ble Court.

Sd/-
Director School Education
Kashmir
Dated 28/06/2016

No: Estt-III/B-Trs/SSB/Sel/ 517-20
Copy to the :-

1. Commr./Secretary to Government, General Administration Department, Srinagar/Jammu.
2. Commr./Secretary to Government, Education Department, Civil Secretariat, Srinagar/Jammu.
3. Secretary, J&K Services Selection Board, Srinagar
4. Chief Education Officer, Budgam for information and necessary action. He is advised to implement the order after observing all the conditions as laid down here above before issuing formal appointment orders in favour of the selectee. Variation if any, found in her particulars should be brought in the notice of this office and order shall not be implemented till clarification is issued by this office..
5. I/C Web site for uploading the notification on official website of DSEK
6. Order file /Stock file.

28/06
Personnel Officer
Directorate of School Education
Kashmir