

GOVERNMENT OF JAMMU AND KASHMIR
DIRECTORATE OF SCHOOL EDUCATION KASHMIR
Samanderbagh- S.P College Road Srinagar -190001 email: dsekjk@gmail.com

Subject: - SWP No. 1951/2014 titled Mohammad Ashraf Hajam V/s State and Ors
issuance of provisional appointment thereof.
Reference: - i. Administrative Department vide letter No. Edu/L/K/72/2017 dated 31.03.2021.
ii. J&K Services Selection Board's Order No. 333-SSB of 2020 dated 15.12.2020.

ORDER NO: - 255 -DSEK of 2021
D A T E D: - 18 / 05 / 2021

Whereas Administrative Department vide letter No. Edu-I/343/2014 dated 20.10.2014 forwarded a list of 326 candidates selected as Teachers for District Cadre Budgam pursuant to the selection made by the J&K Services Selection Board, Srinagar vide No. SSB/Sel/Secy/2014/8253-59 dated 24.09.2014; and

Whereas, among these 326 candidates, two candidates, namely, Ansari Amin D/o Mohd Amin Dar R/o Yousufabad Beerwah Budgam and Reheena Sidiq D/o Mohammad Sidiq Khan R/o Khan Mohalla Kawoosa Khalsia Magam Budgam were also selected for the post of Teacher in District Cadre Budgam at S.No. 107 & 108 under OM/HCL and OM/HCH categories respectively; and

Whereas, the selection of the above two candidates was challenged by Mr. Mohammad Ashraf Hajam S/o Gh. Ahmad Hajam R/o Hushroo Tehsil Chadoora District Budgam in the Hon'ble High Court through the medium of SWP No. 1951/2014 titled Mohammad Ashraf Hajam V/S State and Ors. and Hon'ble High Court vide order dated 16.10.2014 directed the official respondents as under:-

"Notice for objections. Appointment of respondents 6 & 7 shall remain subject to outcome of the CMP. Meanwhile, official respondents shall consider the case of the petitioner under category handicapped (blindness or visual disability) in accordance with the rules". And

Whereas, Hon'ble High Court vide order dated 01.05.2017 disposed of the said writ petition, operative para of which is reproduced hereunder:-

"The respondent Board is directed to consider selection of the petitioner under the Category "HC"(Visual disability) in light of two disability certificates, one dated 22.08.2002 wherein disability is shown as 40% and another dated 01.11.2014, wherein disability is shown as 100% the validity is shown as "permanent" and after considering the same, shall recommend case of the petitioner for appointment under Category "HC"(Visual disability) which may be to the exclusion of last candidate selected under locomotor disability or against the vacancy which may be otherwise available, that is to say 3% of 190 posts means 6 posts under the category "HC". Only five posts have been filled up..."and

Whereas, Administrative Department vide letter No. Edu/L/K/72/2017 dated 31.03.2021 forwarded a copy of Order No. 333-SSB of 2020 dated 15.12.2020 issued by the Services Selection Board under endorsement No. SSB/Legal/M-28/2014/4839-44 dated 15.12.2020 with the advise to issue formal appointment order in favour of Mr. Mohammad Ashraf Hajam S/o Gh Ahmad Hajam R/o Hushroo Tehsil Chadoora District Budgam (Petitioner) for the post of Teacher District Cadre Budgam against item No. 410 Notification 06 of 2013 dated 10.05.2013 under PHC category and also treat the selection of the last

candidate (Ansari Amin, figuring at S.No. 107) under Locomotor category (respondent No. 6) as cancelled.

Now, therefore, in compliance to the Hon'ble High Court Order and recommendations made by JKSSB conveyed by the Administrative Department vide aforementioned communication, sanction is hereby accorded to provisional appointment of **Mr. Mohammad Ashraf Hajam, S/o Gh. Ahmad Hajam, R/o Hushroo Tehsil Chadoora District Budgam (petitioner) to the post of Teacher in District Cadre Budgam, item No. 410, Notification No. 06 of 2013 dated 10.05.2013 under PHC category against the slot accrued due to cancellation of recommendation of Respondent No. 6, in the Pay Level 5 (Rs. 29,200-92,300/-), as admissible under SRO-193 of 2018, dated 24.04.2018 (Pre-revised Rs.5200-20200 with grade pay of Rs. 2800).**

The appointee shall report to concerned Chief Education Officer within a period of **21** days from the date of issuance of this appointment order and shall be allowed to join only after production/submission of following documents/certificates in original to be verified subsequently:

- i. Academic Qualification Certificates
- ii. Date of Birth certificate.
- iii. Permanent resident certificate
- iv. Health certificate from the concerned Chief Medical Officer of the District
- v. Discharge certificate from the Institution attending/ last attended
- vi. Certificate from the concerned authority to the effect that no loan under-Self Employment Scheme has been taken by the concerned candidates.
- vii. Category certificates (in case of reserved categories) under SRO 294 of 21/10/2005.
- viii. Disability Certificate.

The appointment of the candidate as "**Teacher**" shall be subject to the following conditions:-

- (a) That he shall give an undertaking in the shape of an affidavit duly attested by the 1st Class Judicial Magistrate to the effect that:-
 - i. *In case, at any stage it emerges that the certificates/any relevant document furnished/produced by the appointee is/are fake/fictitious, the appointment order shall be cancelled abinitio and criminal proceedings shall be initiated against the candidate;*
 - ii. *in case adverse report about his/her character and antecedents is received from the Additional Director General of Police, CID, Jammu & Kashmir, to whom a reference shall be made by the concerned Chief Education Officer; his/her appointment shall be itself stand cancelled ab-initio and he/she shall have no claim of his/her appointment.*
- (b) The salary of the appointee shall not be drawn and disbursed to him, unless a satisfactory report in respect of (i) & (ii) above are received in his/her favour.
- (c) The appointee shall be governed under New Pension Scheme as per SRO-400 of 2009 dated 24.12.2009.
- (d) In case of failure to join within stipulated time period of 21 days, the appointment shall be deemed to have been cancelled abinitio without any further notice in terms of the circular instructions issued by GAD vide No. 08-JK(GAD) of 2019 dated 04.12.2019.




- (e) The appointment shall be subject to the final outcome of the cases/writ petition, if any, pending before any Hon'ble Court which may not be immediately within the knowledge of this directorate.

The inter-se seniority of the appointee in the particular grade/service shall be fixed in terms of Rule 24 of CCA Rules, 1956.

Sd/-
Director
School Education Kashmir
Dated 18.05.2021

No: Estt-III/B-Trs/SSB/Sel/19/911-14
Copy to the: -

1. Commissioner/Secretary to Government, General Administration Department, Civil Secretariat, Jammu.
2. Administrative Secretary to Government, School Education Department, Civil Secretariat, Jammu.
3. Secretary, Jammu & Kashmir Services Selection Board, Jammu with the request to **provide detailed particulars with merit position of the Petitioner.**
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 herein above, before issuing formal adjustment order in favour of the appointee. Variation, if any, found in the particulars of the candidate 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 Website for uploading the Order on official website of the Directorate.
6. Order file.


Personnel Officer
Directorate of School Education
Kashmir
