

GOVERNMENT OF JAMMU AND KASHMIR
DIRECTORATE OF SCHOOL EDUCATION KASHMIR

Samanderbagh- S.P College Road Srinagar -190001 email: dsekjk@gmail.com

Subject: - SWP No. 384/2019 titled **Ishrat Bano Vs State of Jammu and Kashmir & Ors. r/w WP(C) No. 1821/2019 Ishrat Bano Vs State of Jammu and Kashmir & Ors.- issuance of Cancellation/Provisional Appointment thereof.**

Reference: - i. Administrative Department's communication No. Edu/L/K/57/2019 dated 29.03.2021.
ii. J&K Services Selection Board's Order No. 52-SSB of 2021 dated 01.02.2021.

Order No:- 271 - DSEK of 2021

Dated:- 22 - 05 - 2021

Whereas, Administrative Department vide letter No.Edu-I/87/2019 dated 26.04.2019 forwarded the list of 79 candidates selected as "**Science-Math Teacher**" in District Cadre Baramulla pursuant to the recommendations made by the J&K Services Selection Board, Srinagar vide No.SSB/Secy/Sel/17/2019/1791-97 dated 08.03.2019 against Advertisement Notice No. 06 of 2017, dated 28.12.2017 (Item No. 017); and

Whereas, accordingly, among others, provisional appointment order in favour of **Mr. Irshad Ahmad Beigh (SSB S.No. 14/RBA)** was also issued vide this office Order No. 467-DSEK of 2019 dated 11.05.2019 appearing at S.No. 38 in the Annexure as "**Science-Math Teacher**" in District Cadre Baramulla; and

Whereas, the Administrative Department vide communication No. Edu/L/K/35/2019 dated 17.05.2019 forwarded JKSSB's communication No. SSB/legal/I-01/2019/466-68 dated 17.05.2019, wherein it was conveyed not to issue formal appointment order in favour of Shri. Irshad Ahmad Beigh figuring at S.No.14 in RBA Category in District Cadre Baramulla in compliance to the Hon'ble High Court Order dated 06.03.2019 passed in SWP No. 384/2019 titled **Ishrat Bano V/s State of J&K & Ors**, the operative part of which reads as under:-

"Prima facie it appears that the petitioner has been excluded from the selection list merely on the ground that she does not belong to District Baramulla but as a matter of fact the documents reveal that at that given point of time the petitioner with reference to status belongs to District Baramulla; In the meantime, selection of candidate namely Irshad Ahmad Beigh of RBA Category figuring at S. No. 14 in selection list shall stay till next date of hearing before the Bench"; and

Whereas, pursuant to the Administrative Department's communication No. Edu/L/K/35/2019 dated 17.05.2019 and in compliance to the HHC Order dated 06.03.2019, Order No. 467-DSEK of 2019 dated 11.05.2019, so far it pertained to **Mr. Irshad Ahmad Beigh figuring at S.No. 14/RBA** against "**Science-Math Teacher**" in District Cadre Baramulla was kept in abeyance vide this office communication dated 29.05.2019; and

Whereas, the Petitioner again approached the Hon'ble High Court through WP(C) No. 1821/2019, CM No. 3498/2019 and the Hon'ble High Court vide Order dated 30.05.2019 directed as under:-

"In the meantime, subject to objections of other side and till next date before the Bench, the impugned order of respondent No. 4, appointing him as Teacher shall stay"; and

Whereas, vide JKSSB's Order No. 52-SSB of 2021 dated 01.02.2021, **Ishrat Bano D/o Nazir Ahmad Para R/o Larkipora Baramulla** has been recommended at S.No. 11/RBA for the post of **Science-Math Teacher** with merit 39.7500 points, consequent upon which Abdul Hamid Malla will figure at S.No. 12, Mudasir Ahmad Parry will figure at S.No. 13, Ab Rehman will figure at S.No. 14 and **Mr. Irshad Ahmad Beigh** (with merit 38.78 points) will figure at S. No. 1 of the wait list under RBA; and

Now, therefore, in compliance to the Hon'ble High Court orders and recommendations made by the JKSSB vide Order No.52-SSB of 2021 dated 01.02.2021 as conveyed by the Administrative Department vide communication No. Edu/L/K/57/2019 dated 29.03.2021, sanction is hereby accorded to the:-

1. **Cancellation** of Order No. 467-DSEK of 2019 dated 11.05.2019 so far it pertains to **Mr. Irshad Ahmad Beigh** appearing at S.No. 38 (SSB S.No. 14) in the Annexure of the said order *ab-initio*;
2. Provisional appointment of **Mtr. Ishrat Bano D/o Nazir Ahmad Para** (whose full particulars are reflected below) as **Science-Math Teacher** in District Cadre **Baramulla** in pursuance to SSB's advertisement Notice No. 06 of 2017 dated 28.12.2017 in the **minimum** of Pay Level 5 (Rs. 29,200-92,300/-), as admissible under SRO-193 of 2018, dated 24.04.2018, under SRO-202 of 2015 dated 30.06.2015 as amended vide S.O. 194 dated 17.06.2020.

S. No.	SSB S.No	Candidate Name	Father/Husband Name	ADDRESS	DOB	Category	Grand Points	Name of Univ./Institute	Year of Passing
1	11	ISHRAT BANO	NAZIR AHMAD PARA	LARKIPORA HARD ABOORA, LARKIPORA, KAWARHAMA, MASJID, 193404, BARAMULLA	18.02.1991	RBA	39.75	Grad, B.Ed & M.Ed from KU	2011, 2013 & 2015

The conditions of probation, pay and allowances and fixation of initial tenure of the appointee shall be governed by Jammu & Kashmir Probationer (Condition of Service, Pay & Allowances) and Fixation of Tenure Rules 2020 issued vide S.O. 192 of 2020 dated 17.06.2020 read with Government Order No. 654-JK (GAD) of 2020 dated 19.06.2020.

The appointee shall report to Chief Education Officer Baramulla 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.*

The appointment of the candidate shall be subject to following conditions:-

- (a) That she shall give an undertaking in the shape of an affidavit duly attested by 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 concerned Chief Education Officer, her appointment shall itself stand cancelled ab-initio and he/she shall have no claim to his/her appointment.*
- (b) The salary of the appointee shall not be drawn and disbursed to her, unless a satisfactory report in respect of (i) & (ii) above are received in her favour.
- (c) 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.
- (d) The appointee shall be governed under New Pension Scheme as per SRO-400 of 2009 dated 24.12.2009.
- (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.

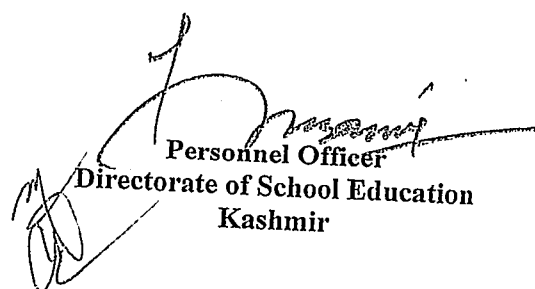
The inter-se seniority of the appointee in the particular grade/service shall be fixed in terms of Rule 24 of CCA Rules, 1956.

Sd/-
Director
School Education Kashmir
Dated: - 22/05/2021

No: Estt-III/B-Trs/SSB/Sel/19/ 965-60

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
4. Chief Education Officer, Baramulla 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/adjustment orders in favour of the selectees. Variation if any, found in the particulars of the candidate, that 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