

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

Subject:-Provisional appointment of candidates (Handicapped persons) selected by the J&K Services Selection Board for District Cadre Ganderbal.

Reference: Administrative Department's letter No. Edu-I/164/2014 Dated 07/07/2014.

ORDER NO.: 46 DSEK OF 2016
DATED: 16 / 01 / 2016

Whereas, the Administrative Department vide letter No. Edu-I/164/2014 Dated 07/07/2014 forwarded the list of 10 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/014/4513-19 dated 04.06.2014, for issuance of appointment orders in favour of selected candidates only after authentication / verification of all original certificates/character antecedents / total marks obtained from original certificates and also after authentication of category certificates from the competent authority in favour of such candidates who stand selected under reserved categories;

Whereas, the Administrative Department vide letter No. Edu-I/164/2014 dated 21.10.2015 has forwarded SSB's Order No. 487-SSB of 2015 dated 15.10.2015 with regard to recommendation of Fozia Bashir D/o Bashir Ahmad War R/o Chudana District Ganderbal for advertisement Notice No. 02 of 2012 dated 07.11.2012 as Teacher District Cadre Ganderbal. The draft order of SSB is reproduced as under:-

Whereas, one post under under Locomotory Category was kept reserved in terms of Hon'ble High Court's order dated 13.03.2014 passed in SWP No. 593/2013 titled Fozia Bashir Vs State & Ors;

Whereas, in terms of the judgement in Public Interest Litigation, No. WPIL No. 31 of 2011 titled as National Federation of Blind Vs State, the General Administration Department and the Department of Social Welfare referred 70 posts of Teacher for various districts were identified in Handicapped quota and were requisitioned in terms of requisition No. Edu-I/309/2012 dated 14.09.2012;

Whereas, for the District Cadre Ganderbal, 10 posts were referred for recruitment (04) for Visually Handicapped (04) for Hearing impaired and (02) for Locomotive Disability;

Whereas, the SSB accordingly advertised the said posts for District Cadre Ganderbal vide Advertisement Notice No. 02 of 2012 dated 07.11.2012. The Board shortlisted the candidates for the purpose of interview on the basis of academic merit by applying the ration of 1:5;

Whereas, against the 02 posts for Locomotive Disability, 10 candidates were called for interview with the cut point remaining as 27.16. The petitioner had an overall academic merit of 26.73 points and thus failed to achieve the grade for short listing and being called for interview;

Whereas, the petitioner filed writ petition No. 593/2013 claiming that the appointment of categories was not in accordance with law. Further, a CMP was moved stating that the petitioner suffers two types of disabilities Locomotive and Hearing but since the original notification No. 02 of 2012 dated 07.11.2012 did not seek/require/reflect the break-up of posts disabilities wise therefore, the petitioner only filled up the form under Locomotive Disability;

Whereas, the Hon'ble High Court on date 02.01.2015 has directed as under:
"Meanwhile, in order to protect the lis respondents are directed to keep one post reserved for the petitioner".

Whereas, the writ petition alongwith connected IA's was disposed of in the following manner on 09.04.2015:-

The respondent Board is directed to recommend the name of petitioner for being appointed on the post of Teacher in District Cadre Ganderbal under the Category (Hearing Impaired) as one post has remained unfilled because of non-availability of candidate. The respondent Board to make recommendation within one week from the date copy of this order is received. The competent authority -respondent 01 to issue appointment orders in favour of the petitioner within one week after the recommendation is received from

respondent No. 02 consequently, advertisement notice for filling up one post under Handicapped Category (Hearing Impaired) is set aside;

The selected candidate (Private respondent No. 04) who could not be appointed on the said post because of interim orders, be appointed on the said post under locomotive handicapped category. Since the other candidates from the same selection process stand appointed, the seniority of the petitioner and respondent No. 04 shall be reckoned on the basis of merit and shall figure below the appointed candidates. However, no monetary benefits will be given to them prior to date of appointment;

Whereas, the Administrative Department in their earlier communication No. Edu-I/286/2012 dated: 05.09.2012 conveyed guidelines for issuance of the provisional appointment orders in favour of the selectees after obtaining the undertakings 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)
- 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.
- The appointee shall furnish an undertaking (as per Annexure) duly attested by the Judicial Magistrate.

Whereas, in light of above instructions of the Administrative Department **Fozia Bashir D/o Bashir Ahmad War R/o Chudana District Ganderbal for advertisement Notice No. 02 of 2012 dated 07.11.2012** furnished her undertaking on the devised format duly attested by the 1st Class Magistrate alongwith all original certificates in the Directorate of School Education Kashmir in response to DSEK's notification No. DSEK/Estt/III/B-TRS/34/2014/Gbl/66970-73 dated 23.11.2015.

Whereas, the detailed merit position of the said petitioner was not conveyed to this office by the SSB and accordingly the matter was taken up with the Administrative Department vide letter No. DSEK/Estt/III/66984-85 dated 23.11.2015;

Whereas, the Administrative Department vide letter No. Edu-I/164/2014 dated 30.12.2015 conveyed to issue appointment order in favour of the petitioner as that merit position would not affect in anyway the status of the candidate's selection;

Now, therefore, pursuant to Hon'ble High Court order dated 09.04.2015 and recommendations of the SSB/Administrative Department, sanction is hereby accorded to the provisional appointment of **One (01) candidate namely Fozia Bashir D/o Bashir Ahmad War R/o Chudana District Ganderbal for advertisement Notice No. 02 of 2012 dated 07.11.2012** (whose particulars are reproduced below) as Teachers in **District Cadre Ganderbal** against the available slots 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, Bandipora by or before **25 January, 2015** for further posting.

SSB S.No	Item & Notifi. No.	Candidate Name	Father/ Husband Name	Permanent Address	Date of Birth	Cat	Qual.
04	66 (02 of 2012 Dt: 07.11.2012)	Fozia Bashir	Bashir Ahmad War	Chudana District Ganderbal	01-Mar-89	OM/HCH	B.A, B.Ed

The Chief Education Officer Ganderbal shall allow the above named 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 orders 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 orders shall be drawn.

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

Sd/-
Director School Education
Kashmir

No: Estt-III/B-Trs/SSB/Sel/ 66480-03

Dated:-16/01/2016

Copy to the: -

1. Commr./Secretary to Government, General Administration Department, Srinagar.
2. Commr./Secretary to Government, Education Department, Civil Secretariat, Srinagar.
3. Secretary, J&K Services Selection Board, Srinagar
4. Chief Education Officer, Ganderbal for information and necessary action. He is advised to implement the order after observing all the conditions as laid down here above and as per the instructions issued on the subject by this office from time to time strictly, before issuing formal appointment orders in favour of the selectees Variation if any, found in the particulars of any 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 above order on official website of DSEK.
6. Order file /Stock file.

Personnel Officer
Directorate of School Education
Kashmir
13/1/2016