

Government of Jammu and Kashmir
Directorate of School Education, Kashmir

Subject: - Regularization of ReT Teachers.

Reference: Government Order No: 396 Edu of 2000 Dated:-28-04-2000
Government Order No: 1670 Edu of 2003 Dated: 24-11-2003

Order No: 555 DSEK of 2022
Dated: 24/11/2022

Whereas, the selection process for filling up of two posts of ReT Teachers in primary School, Bathnoor, Tral, that had fallen on account of retirement of Teachers, was initiated by the then Chief Education Officer, Pulwama, in the year 2013 after detaching the primary wing of the school from High School Bathnoor, Tral; **and**

Whereas, and on conclusion of the selection process, Smt. Nisha Akhtar and Shri Zahid Ahmad Dar, petitioners in the afore-cited petition, got selected and were engaged as ReT Teachers in Primary School, Bathnoor, Tral in the year 2015. However, the petitioners were not paid their salary, which constrained the petitioners to approach the Hon'ble Court through the medium of afore-cited writ petition, seeking the following relief:

- i. An appropriate writ commanding the respondent to release or cause to release remuneration due to the petitioners for the services rendered or to be rendered.
- ii. An appropriate writ commanding the respondents to initiate the process of regularization of their services and till that was done allow petitioners to continue on the positions presently occupied by the petitioned.
- iii. Any other writ, order or directions which this Hon'ble court deems just and proper be issued in favour of the petitioner, Petitioner through Counsel; **and**

Whereas, the Hon'ble Court vide order dated 11-09-2018 passed the following directions:-

"...Since the reply has come from ZEO and there is no categorical reply from the Director School Education, Kashmir with reference to the entitlement of the petitioners and nothing is said in black and white as to why the remuneration has been withheld when they are rendering the services and their orders of engagement have not been cancelled or withdrawn..." ; and

Whereas, in order to enquire the matter an enquiry committee was constituted vide order No. 1468-DSEK of 2018 dated 10.12.2018 and the enquiry committee submitted its report and recommended that post facto approval to the action of the then Chief Education Officer Pulwama needs to be sought from the Administrative Department because of the fact that the petitioners who have faced the selection process and are continuing in the department from the year 2015 onwards may not suffer from want of approval from the competent authority; **and**

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Whereas, the enquiry report was forwarded to the Administrative Department on 15.04.2019 for conveying necessary instructions in the matter in light of recommendations of the committee; **and**

Whereas, the matter remained under correspondence in the department and finally the Administrative Department vide communication dated 29.07.2022 advised this Directorate to decide the case at Directorate level; **and**

Whereas, the case was placed before the designated committee on 11.11.2022 and the committee after threadbare discussion decided to regularize the services of the petitioners by way of a speaking consideration order; **and**

Now, therefore in compliance to the decision of the committee and as per the directions of the Hon'ble Court passed time to time the services of the petitioners whose particulars are mentioned below are hereby regularized in the pay scale of Rs.5200-20200 with grade pay of Rs.2800 subject to the fulfillment of following conditions:-:

S. No	District	Zone	Name of ReT	Parentage	Residence	School in which engaged	Qual. at the time of engagement	Date of Birth	Date of engagement as RET	Date from which regularized	Nature of vacancy
1	Pulwama	Tral	Zahid Ahmad Dar	Ab Gani Dar	Bathnoor	MPS Bathnoor	B.A.	02-03-1991	12-03-2015	12-03-2020	Normal
2	Pulwama	Tral	Nisha Akhter	Mohd Akbar Dar	Bathnoor	MPS Bathnoor	B.A.	06-04-1991	12-03-2015	12-03-2020	Normal

- i. That the Rehbar-e-Taleems have completed five years continuous / un-interrupted service and was engaged genuinely.
- ii. That work and conduct of the erstwhile Rehbar-e-Taleem has remained satisfactory, which shall be certified by the Village Education Committees concerned in association with the respective Zonal Education Officer/Head of the Institution /Chief Education Officer, (as the case may be).
- iii. That the erstwhile Rehbar-e-Taleem possesses the minimum prescribed qualification at the time of his initial engagement as ReT, through J&K Board of School Education Kashmir or any recognized Board/University and has not obtained any qualification / Degree(s) through study centre / distance mode, except Kashmir University, Jammu University, IGNOU & MANUU and other reputed Institution.
- iv. That none of the erstwhile ReT has remained on the rolls of any college /Institution during the honorarium service. However, in case of ReT who has acquired any higher qualification during honorarium service, the CEO/DDO concerned shall ensure that ReT fulfilled requisite formalities under rules/norms.
- v. That the ReT has maintained a close rapport with the local community in helping promote accountability and quality.
- vi. That the ReT contribution in universal enrollment and retention of children has been satisfactory and said center functioned productively / properly.
- vii. That the CEO/ZEO concerned shall ensure that the maternity leave, if any, availed by the female ReT during five years honorarium service, which has not been reported / reflected earlier is entered in the service book of such ReT/s whose regularization has been considered.

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- viii. Before implementing the order CEO/ZEO concerned shall be personally responsible to verify the genuineness of the below mentioned testimonials and ensure that the ReT fulfill all the conditions as laid down in the order.
- Academic qualification certificate.
 - Physical fitness certificate issued by concerned Chief Medical Officer
 - DOB as per matriculation certificate issued by J&K BoSE/ CBSE.
 - Permanent Residence Certificate issued by competent authority
 - No loan certificate from DIC and Dy. Director employment/Director EDI.
 - Character/ Antecedents verification certificate from IGP, CID. In case of adverse report from CID the regularization of the candidate shall be deemed to have been cancelled in abinitio.
 - The regularization of the ReT shall be governed by the "new pension scheme" as per SRO-400 of 2009 Dated 24-12-2009.
 - Reserved category certificate, if appointed under reserved category.
- ix. If on verification, the certificates produced by the ReT proved fake or forged, the engagement / regularization shall be deemed to have been cancelled in abinitio.
- x. As a matter of policy and consistent with the imperatives of smooth working of Rural Schools, the ReT (erstwhile EV) so regularized shall not be transferred.
- xi. That no arrears shall be paid unless funds for the purpose are released by the competent authority under relevant head.
- xii. This order is issued without prejudice to;
- xiii. Outcome of any writ petition/suit/case if any pending/ sub-judice in the Hon'ble High Court or any other court of law, which may not be in the immediate knowledge of this office.
- xiv. Conduct of screening test, wherever applicable as per Government Order.

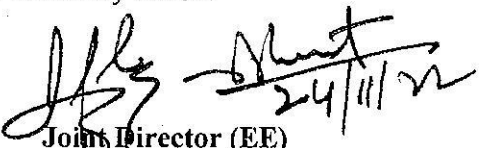
Sd/
Director School Education,
Kashmir

No: DSEK/SSA/Tx/571-72/2022

Dated: 24/11/2022

Copy to:

- Principal Secretary to Government, School Education Department, Civil Secretariat, Srinagar/Jammu for information.
- Chief Education Officer Pulwama for information and necessary action.


Joint Director (EE)
Directorate of School Education
Kashmir