

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

**Sub: Un-authorized absence case of Mtr. Ambreen Mushtaq Teacher GHS Takyabal District Baramulla and issuance of termination order thereof.**

Order No: 568 DSEK of 2021

Dated: 27 /08/2021

Whereas, pursuant to the selection made by the JKSSB, Mtr. Ambreen Mushtaq was appointed in the Department as Teacher by the Director School Education Kashmir vide Order No. 577-DSEK of 2009 dated 24/06/2009 for a probation period of two years; and

Whereas, on 08/03/2010 Mtr. Ambreen Mushtaq applied for (01) one year leave without pay for completion of Ph.D. (Chemistry) Programme outside the country through University of Quebec, Canada but the request was not considered by the authorities as she had not completed probation period of two (02) years at that relevant point of time; and

Whereas, the said teacher proceeded outside the country of her own and left her legitimate duties un-authorizedly w.e.f. 08/03/2010; and

Whereas, the teacher was provided enough opportunities to resume her duties through various notices published in print media on 13/05/2011, 14/05/2011 and 19/02/2012 but she failed to do so; and

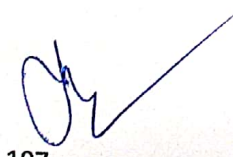
Whereas, after remaining un-authorized/continuously absent from her legitimate duties for more than 05 years she intended to resume her duties on 02/11/2015 but was not allowed to do so as she earlier did not respond to the repeated notices issued for resumption of duties; and

Whereas, the said absconding teacher filed a writ petition in the Hon'ble High Court under SWP No. 2581/2018 titled Ambreen Mushtaq V/s State of J&K & Others and Hon'ble High Court passed a decision on 01/12/2018 operative part of which is reproduced below:-

*"keeping in view the above said fact situation and nature of relief prayed for, this writ petition is disposed off by directing the respondents to take a decision on the application as well as joining report submitted by the petitioner in accordance with the rules occupying the field, preferably within a period of two months from the date of certified copy of this order is made available to them."*

Whereas, in light of the Hon'ble High Court's order the Department initiated disciplinary proceedings against the said official for remaining un-authorizedly absent from her legitimate duties and accordingly the said teacher was charge sheeted by this office on 02/08/2018; and

Whereas, the reply furnished by the teacher was examined and it was observed that the teacher has admitted that she had proceeded outside the country without prior permission/sanction of leave from the competent authority and did not provide any cogent and justifiable reason for the same and accordingly Chief Education Officer Baramulla was appointed as Enquiry Officer on 02/01/2019 to enquire in the matter; and





Whereas, Chief Education Officer Baramulla vide his communication No. CEO/Bla/F-385/20777-78 dated 26/12/2019 forwarded the Enquiry report and the same alongwith the reply furnished by the teacher to the charges leveled against her was placed before the Designated Committee's meeting held on 29/12/2020 constituted for the purpose by this office vide Order No. 869 DSEK of 2019 dated 12/12/2019. The committee passed the following decision:-

***"Let the process for termination be initiated against the teacher."***

Whereas, before issuance of formal orders in light of decision of the committee the teacher was again provided an opportunity to be heard and was asked to present herself before this Directorate alongwith statement of defense within a period of 15 days through a Joint Show Cause Notice issued by this office Vide No. DSEK/Estt/III/B-Trs/MZ/150/021/1121 dated 06/07/2021; and

Whereas, the teacher responded the said notice on 14/07/2021 wherein she again admitted of being un-authorizedly absent and proceeded outside country without prior permission/leave from the competent authority; and

Whereas, remaining un-authorizedly absent from legitimate duties by a Government servant attracts action as warranted in terms Article 128 & Article 113 of J&K Civil Services Rules (Volume I) of 1956 which reads as under:-

**Article 128**

***"Absence without leave or after the end of leave involves loss of appointment"***

**Article 113**

***"After five years of continuous absence on leave an officer is considered to be out of state employee."***

Whereas, leaving the station by a Government Servant without obtaining proper station leave permission from the competent authority is in violation of circular instructions issued by the Finance Department on the subject under their No. A/46(2017)-I-86 dated: 21/02/2019; and

Now, in view of the above, Mtr. Ambreen Mushtaq Teacher GHS Takyabal District Baramulla is deemed to have been out of Government service w.e.f. 08/03/2010 in terms of Article 128 & 113 of J&K Civil Services Rules (Volume I) of 1956 .

Sd/

Director

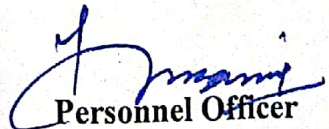
School Education Kashmir

Dated: 29/08/2021

No.: DSEK/Estt/B-Trs/MZ/105/021/Bla/114447

Copy to the:

1. Principal Secretary to Govt., School Education Department, Civil Secretariat Srinagar for favour of information.
2. Chief Education Officer, Baramulla for information and necessary action.
3. Mtr. Ambreen Mushtaq Teacher GHS Takyabal District Baramulla for information.
4. I/C website for hoisting the same on the official website of the Department.
5. Order file/Stock file.

  
Personnel Officer  
Directorate of School Education  
Kashmir