

**GOVERNMENT OF JAMMU & KASHMIR
DIRECTORATE OF SCHOOL EDUCATION KASHMIR**

Subject: SWP No. 2406/2014 & CCP(S) No. 362/2021 titled Tanveer Rasool Tali V/s State & Others.

**Order No: 570 DSEK of 2021
Dated: 27/08 /2021**

Whereas, the Administrative Department vide letter No. Edu-I/401/2014 dated 02.02.2015 forwarded a list of 800 candidates selected as Teachers for District Cadre Baramulla including 240 candidates under OM Category against notification No. 06 of 2013 (Item No 410) pursuant to the selection made by the J&K Services Selection Board, Srinagar vide No. SSB/Sel/Secy/2014/2955-61 dated 19.12.2014; and

Whereas, the Petitioner namely Tanveer Rasool Teli had committed a mistake with respect to filling of his OMR Application Form against the Notification No. 06 of 2013 and as such his candidature was not considered by JKSSB for the said notification; and

Whereas, feeling aggrieved for not considering his candidature in notification No. 06 of 2013, the Petitioner approached the Hon'ble High Court, JK UT by filling SWP No. 2406/2014 titled Tanveer Rasool Tali V/s State & Others and Honble High Court vide order dated 01-01-2015 ordered as under:

"In the meantime and subject to the objections of other side and till next date, before the bench, the selection for the post of teacher of District Baramullah shall remain subject to outcome of writ petition"

Whereas, in another writ petition SWP No 2412/2014 2014 titled Zahida Parveen V/s State & Ors, Honble High Court vide order dated 01/01/2015 was pleased to order as under:

"Meanwhile, subject to objections and till next date before the bench, respondents are directed to reserve one post of teacher district cadre, Baramullah pursuant to notification 06 of 2013 dated 10-05-2013"

Whereas the above titled writ petitions were clubbed by the Honble Court and vide order dated 05.10.2015 disposed off both the writ petitions with the following directions:

"... These writ petitions are disposed of in the following manner:-The Petitioners are deemed to have been selected for being appointed on the post of Teacher as against notification No. 06/2013 dated 10.05.2013. The Respondent Service Selection Board is directed to make recommendations in favour of the petitioner within one week from the date copy of this order is served.

It is further provided that in case Respondent Board does not submit recommendations in respect of petitioners in both the petitions to the Competent Authority within one week from the date copy of this order is served, then Competent Authority to the Government will be under obligation to issue appointment orders in favour of the Petitioners and also the private respondents;

Whereas, in compliance to the Hon'ble Court Order, JKSSB vide Order No. 1167-SSB of 2016 dated 08.06.2016 recommended the names of the Petitioners (Zahida Parveen D/o Gh. Mohi-ud-Din Dar (Under OM category) & Tanveer Rasool Teli S/o Gh. Rasool Teli (Under OSC Category) against the post of Teacher District Cadre Baramulla against Notification No. 06 of 2013;

Whereas, pursuant to the recommendation of JKSSB, Mtr. Zahida Parveen was provisionally appointed as Teacher vide Order No. 1502-DSEK of 2016 dated 25.10.2016 against the post reserved in terms of Hon'ble High Court order dated 01/01/2015 passed in SWP No. 2412/2014 titled Zahida Parveen V/s State & Ors, however, appointment order in favour of Mr. Tanveer Rasool Teli S/o Gh. Rasool Teli R/o Naseerabad Chankepora, Sopore could not be issued as no post was kept reserved and all the selectees under OSC category stood appointed and accordingly the matter was taken up with the Administrative Department vide letter No. DSEK/Estt/III/Litig/ DSEK/308/14/1203 dated 06.12.2016; and

Whereas, the Administrative Department referred the matter to JKSSB and JKSSB vide letter dated 12-01-2018 conveyed that merit obtained by Mr. Tanveer Rasool Teli S/o Gh. Rasool Teli R/o Naseerabad Chankepora is 64.7715 points and shall figure at Sr. No 93-A as cut off merit in the selection list under OM category in the said Item is 62.9457 points; and

Whereas, in compliance to orders of the Hon'ble High Court dated 05.10.2015 passed in SWP No 2412/2014 C/W SWP No 2406/2014 and dated 03.03.2020 passed in contempt petition CPSW No. 10/2016, Administrative Department vide Order No. 149-Edu of 2020 dated 30.06.2020, accorded sanction to revalidation of the select list for three months from the date of issuance of the order with a direction to this directorate to issue formal appointment order in favour of the petitioner under OM Category against notification 06 of 2013 (item No. 410); and

Whereas, no post was available under OM Category against notification 06 of 2013 (item No. 410) and the same was communicated to Administrative Department vide this office communication dated 18.07.2020 seeking therein necessary instructions; and

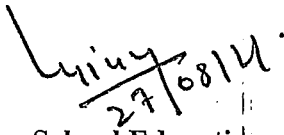

Whereas, Administrative Department vide letter No. LGLO/Kmr/51/2021-01-SED dated 05.07.2021, sought details of number of posts reserved (judgment wise) and appointments made on such reserved posts in respect of selection under advertisement Notification No. 06 of 2013 for District Cadre Baramulla; and

Whereas, vide this office communication dated 23.08.2021, it was intimated to Administrative Department that 05 slots were kept reserved in three different writ petitions and in compliance to orders of Hon'ble Court issued from time to time, appointments have been made against all these reserved posts and accordingly it was again reiterated that no slot under OM Category against item No. 410 (Notification 06 of 2013) is available against which the Petitioner can be considered; and

Whereas, Administrative Department vide communication No. Edu-LGLOKmr/51/2021-01-SED dated 25.08.2021, instructed to revisit the issue and settle the issue as per the merit of the petitioner in the selection list; and

Whereas, in order to comply the orders of the Hon'ble Court and directions of the Administrative Department and to effect the appointment of the petitioner after giving due consideration to the merit obtained by him, there is no other option but to cancel the appointment of last selected candidate namely Khalid Hamid Wani S/o Ab. Hamid Wani figuring at S.No. 229 of notification No. 06 of 2013 (Item No 410), who stands appointed vide order No: 893-DSEK of 2016 Dated: 26/05/2016.

Now therefore, in light of the above stated facts, before issuing appointment order in favour of the petitioner namely Mr. Tanveer Rasool Teli S/o Gh. Rasool Teli R/o Naseerabad Chankepora, he is hereby informed to deposit verification of character and antecedents form prescribed by the Government in light of Order No. 528-JK(GAD) of 2021 dated 21.06.2021 in the Directorate of School Education Kashmir within a period of **10 days** from the date of issuance of this order.


27/08/21
Director School Education
Kashmir


No:- DSEK/Estt/III/B-Trs/ 1152-54
Dated:- 27/08/2021
Copy to the:-

1. Principal Secretary to Government, School Education Department, Civil Secretariat, Srinagar, for favour of information.
2. Chief Education Officer Baramulla for information.
3. Mr. Tanveer Rasool Teli S/o Gh. Rasool Teli R/o Naseerabad Chankepora for information and necessary compliance.
4. I/C Website for uploading the order on the official website of the Directorate.