

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No.6303/2020
S.W.P. No.907/2004

Tuesday, this the 9th day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Mst. Muneeba Begum,
Aged 35 years,
W/o Bader Hussain,
R/o Deri Ralyote,
Tehsil & District Rajouri.

.. Applicant

(Through Mr. H.A.Siddiqui, Advocate)

Versus

1. State of Jammu and Kashmir,
Through Chief Secretary,
Civil Secretariat,
Jammu/Srinagar.
2. Director, School Education, Jammu.
3. Chief Education Officer, Rajouri.
4. Zonal Education Officer, Manjakote.
5. Mohd. Yousaf S/o Nizam Din,
R/o Deri Ralyote,
Tehsil and District Rajouri.
6. Syeda Begum D/o Khadam Hussain,
R/o Deri Ralyote,
Tehsil and District Rajouri.

.. Respondents

(Through Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Justice L. Narasimha Reddy:



The Government issued an order No. 396 of Edu 2000, dated 28.04.2000, according sanction for launching of Rehbar-e-Taleem (ReT) Scheme, which provided for appointment of Teachers in any Primary/Middle Schools from the locals, who possess the qualifications.

2. The applicant is the resident of Deri Ralyote Village of Teshil & District Rajouri. The respondent nos.5 and 6 are also stated to be the residents of same Village Deri Ralyote.

3. It is stated that the official respondents initiated the process of empanelling the eligible candidates for the village Deri Ralyote. The applicant along with others applied for the same in August 2003. Accordingly, a panel was prepared under Sarva Shiksha Abhiyan. The applicant figured in the first panel at Sl.No.4 and in the final panel at Sl.No.6. The candidates figuring at Serial Nos.1 to 5 stood appointed. Instead of engaging the applicant against the available vacancy, the respondent no.4 issued order appointing the respondent no.6, who in



fact does not figure in any panel. It is further stated that the first panel was prepared in the month of November/December 2003 and the final panel in the month of January, 2004. Till January 2004, respondent no.6 was not empanelled by the Village Level Education Committee or by the official respondents as she was not eligible and had not applied in response to the notification. The applicant filed SWP No. 907/2004, challenging the appointment of respondent no. 6 and seeking a direction to the official respondents to consider her case for appointment as ReT, in the Primary School at Deri Ralyote Village of Teshil & District Rajouri.

4. The SWP has since been transferred to this Tribunal in view of the re-organization of the State of Jammu and Kashmir and renumbered as TA No. 5982/2020.

5. We heard Mr. H.A.Siddiqui, learned counsel for the applicant and Mr. Sudesh Magotra, Deputy Advocate General for the respondents.



6. The applicant no doubt has challenged the appointment of respondent no.6 as ReT. However, neither the copy of the order through which they were appointed is filed nor any particulars thereof are furnished. For issuance of a Writ of Certiorari, the basic requirement is that the concerned order must be before the Tribunal or the Court. Once the order is not before us, we find it difficult to consider the benefit of issuing any Writ of Certiorari. The other relief is for consideration of case of the applicant for appointment to the post of Teacher (ReT). It would become relevant if only the appointment of the respondent no.6 is set aside. Further, the scheme itself was disbanded in the year 2018, making it clear that from the date of disbanding, no appointments as ReT, shall be made.

7. In view of the above, we do not find any merit in the TA. The TA is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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