

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**O.A. No. 62/704/2021**

This the 27th day of April, 2021

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)**  
**HON'BLE MR. DINESH SHARMA, MEMBER (A)**

Firdousa Akhter (Aged 46 years), W/o Ashaq Hussain Pal, R/o Sindo Shirmal,  
Shopian, Kashmir.

.....Applicant

(Advocate:- Mr. Sheikh Manzoor)

**Versus**

1. Union Territory of Jammu and Kashmir through Commissioner Secretary to Govt. School Education Department, Civil Secretariat Jammu/Srinagar-180001.
2. Director School Education Kashmir, Samandarbagh, Srinagar-190001.
3. Chief Education Officer, Shopian-192231.
4. Zonal Education Officer, Keegam Shopian-192302.

.....Respondents

(Advocate: Mr. Sudesh Magotra, learned D.A.G.)

**ORDER**  
**ORAL**

**(Delivered by Hon'ble Mr. Dinesh Sharma, Member-A)**

The applicant Firdousa Akhter was engaged as ReT Teacher in the year 2004. After successful completion of five years continuous service as ReT, the services of the applicant were regularized as General Line Teacher in the year 2009. The regularization was subject to verification of the original testimonials, character and antecedents of the candidates from Inspector General of Police CID. Hence, the certificates of applicant were sent for verification to the University of Kashmir. The State Administrative Council took a decision that all ReT/RReT Teachers were to be regularized and re-designated as Teachers Grade-II and Grade-III retrospectively on the basis of their qualification. The applicant was eligible and entitled for her appointment/conversion as





Teacher Grade-II based on her qualification as B.A./Graduate, hence, her case was submitted before Respondent no. 2 for necessary action. However, the applicant was shocked to know that a false, frivolous and anonymous complaint was filed before the Director School Education on 16.02.2019 alleging therein that the graduation certificate of the applicant were fake and she had obtained the appointment as ReT fraudulently. The respondents processed the complaint and sought report from University of Kashmir and vide report dated 17.07.2019, informed that the particulars of the graduation certificates of the applicant Roll No. 85166 as genuine. Accordingly, the Enquiry Committee recommended to close the complaint and detailed report was submitted to Respondent no. 2 by virtue of communication dated 20.11.2019. Despite receiving the genuine verification report, the Director School Education, Kashmir decided to withhold Grade-II order of the applicant. The applicant also has a strong apprehension that her services may be terminated by the respondents.

2. We have heard Mr. Sheikh Manzoor, learned counsel for the applicant and Mr. Sudesh Magotra, learned D.A.G for the respondents and perused the records.

3. The interest of the applicant can be protected if a direction is issued to the respondents to consider issuing order as Teacher Grade-II in favour of the applicant,



4. Accordingly, the O.A. is disposed of with direction to the respondents to consider issuing order of Teacher Grade-II in favour of the applicant, subject to the condition that the applicant does not suffer from any impediment or disqualification and is eligible to be considered for the said post in accordance with rules and regulations. If the applicant is found to be ineligible for the aforesaid post, a reasoned and speaking order needs to be passed by the respondents within a period of two months from the date of receipt of certified copy of this order. While taking decision with regard to the applicant, the respondents would also consider the report given by the Enquiry Officer. The respondents are also directed to not take any action for terminating the services of the applicant except in accordance with rules.

5. It is made clear that we have not entered into the merits of the case.

6. There shall be no orders as to cost.

**(DINESH SHARMA)**  
**MEMBER (A)**

*Arun*

**(RAKESH SAGAR JAIN)**  
**MEMBER (J)**