

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No. 4437/2020
(SWP No.2212/2012)

Thursday, this the 28th day of January, 2021

(Through Video Conferencing)

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

Jan Mohmad Teli, Age 26 years,
S/o Ghulam Mohmad Teli,
R/o Checki Telwan Pora, Partapgarh,
Batamalioo, Srinagar - Applicant

(By Advocate: Ms. Shagufta Maqbool for Ms. Moksha Kazmi)

VERSUS

- 1. State of Jammu and Kashmir through Commissioner, Secretary Education, Department, Civil Secretariat, Srinagar
- 2. Director School Education, Kashmir, Srinagar
- 3. Dy. Director P&S Directorate of School Education, Kashmir
- 4. Chief Education Officer, Srinagar,
- 5. Zonal Education Officer, Batamallo, Srinagar - Respondents

(By Advocate: Shri Rajesh Thapa)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The respondents issued a notification, inviting applications for appointment to the post of *Rehbar-e-Taleem* (ReT) in the primary school at Kokarpura in Srinagar District. A Writ Petition was filed regarding the eligibility of the residents of the



neighbouring inhabitants, to apply. That Writ Petition was disposed of, directing the respondents to verify the matter and to take a decision. In compliance with the judgment, the respondents decided that the inhabitants, in or around Revenue village, come within the definition of 'habitation' and that the persons residing therein are entitled to be considered.

2. The applicant filed SWP No. 2212/2012 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to issue corrigendum to the notification dated 17.10.2010 as well as the clarification dated 01.03.2012, and to direct the respondents to select the candidates for the post of ReT on the basis of the Government Order No. 288 dated 08.04.2009 and to take further steps.

3. The applicant contends that the clarification issued by the respondents, does not accord with the relevant rules.

4. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the verification was done in accordance with the directions issued by the Hon'ble High Court of Jammu & Kashmir in SWP No.2180/2011 and a clarification was also issued accordingly. It is stated that on account of pendency of certain Writ Petitions, such as SWP Nos.448/2012 and 529/2012, further steps could not be taken.

5. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and renumbered as T.A. No.4437/2020.



6. We heard Ms. Shagufta Maqbool for Ms. Moksha Kazmi, learned counsel for applicant and Mr. Rajesh Thapa, learned Deputy Advocate General, through video conferencing.

7. The applicant felt aggrieved by the clarification issued by the respondents, defining the habitation for the purpose of making appointment to the ReT in school concerned. This is not a case in which the respondents gave the clarification on their own accord. It was in compliance with the directions issued by the Hon'ble High Court of Jammu & Kashmir. The respondents have categorically stated that on account of the pendency of two Writ Petitions in the Hon'ble High Court, further steps could not be taken. In the meanwhile, the Government has disbanded the Scheme for appointment of ReT itself.

8. Under these circumstances, we find it difficult to undertake any adjudication of this issue. The T.A. is accordingly dismissed. It is, however, made clear that in case any appointment is made in pursuance of the Advertisement No.DIP JK-7887 dated 17.10.2010, and the applicant has any grievance about it, it shall be open to him to pursue the remedies, in accordance with law. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 28, 2021

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