

**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.9184/2020
(S.W.P. No.1561/2011)



Tuesday, this the 30th day of March, 2021

(Through Video Conferencing)

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

Mymoona Ali, Age 29 years
D/o Ali Mohammad Wani
R/o Zoorigund, Budgam.

..Applicant

(Mr. M.Y. Parray, Advocate)

VERSUS

1. State of Jammu and Kashmir through Commissioner
Secretary to Government Education Department
Civil Secretariat, Srinagar.
2. Director, School Education
Kashmir, Srinagar.
3. Chief Education Officer, Budgam
4. Principal, Govt. Boys Higher Secondary School
Arigam, Budgam.

..Respondents

(Mr. Rajesh Thapa, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant states that she was engaged as Lecturer through an order dated 09.03.2011 by the Chief Education Officer (CEO), Budgam and filed SWP No. 1561/2011 before the

Hon'ble High Court of Jammu & Kashmir with a prayer to direct the respondents to continue her, till such time, the post is filled up on regular basis and to pay her the salary without any impediment.



2. The applicant contends that she was taken on duty through an order dated 09.03.2011 by the Chief Education Officer, Budgam to work in a school, on contractual basis and that she is entitled to continue in such capacity till the regular appointment is made against that vacancy.

3. On behalf of the respondents, a detailed counter affidavit is filed. It is that the Chief Education Officer, Budgam was not competent to engage any person even on contractual basis. It is also stated that even where temporary arrangements for teaching are made, they end with the concerned academic year and there is no provision for regularization of the persons, who are taken for teaching arrangements. Reference is made to the decision of Hon'ble Supreme Court in **Secretary, State of Karnataka & others v. Umadevi & others**, (2006) 4 SCC 1.

4. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as TA No. 9184/2020.

5. Today, we heard Mr. M.Y. Parray, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General.



6. The applicant states that she has been engaged on contractual basis to work as Lecturer in a school in the year 2011. Assuming that to be true, the arraignment was only temporary and for the academic year 2011. Paragraph 3 of the order dated 09.03.2011 made this amply clear. In several cases, the Hon'ble High Court has also held that unlike in other contractual engagements, the one under the academic arrangement would be only for the concerned year and the persons so engaged cannot insist on being continued in the next year or till the permanent appointment is made. The respondents have also stated that the applicant has since been disengaged and the post is also filled on regular basis. Nothing remains to be decided at this stage.

7. We do not find any merit in this T.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 30, 2021
/lg/sunil/vb/ankit/