

Government of Jammu and Kashmir  
Higher Education Department  
Civil Secretariat, Jammu

Subject:- Promotion of Ministerial Staff of Kashmir Division Colleges.

- Reference:-
- i) Minutes of Departmental Promotion Committee meeting held on 15<sup>th</sup> December, 2014.
  - ii) Order of Hon'ble Court dated 20-12-2014, passed in CPM NO.3708/14 in SWP No.1392/14 titled Bashir Ahmad Sheikh and ors V/s State and others.
  - iii) Contempt Petition No.572 of 2016 dated 13-10-2016 titled Yasmeen Akhtar v/s State and others.

Government Order No: 02-HE of 2017  
Dated : 02 - 01 - 2017

Whereas, Principals of Government Degree Colleges of Kashmir Division were requested to furnish APRs /posting details of eligible candidates for consideration of their promotions by the DPC vide letter No.EC-Coll/NGK/DPC/2013 dated 17-06-2014;

Whereas, Bashir Ahmad Sheikh and other junior Assistants approached the Hon'ble Court and filed writ petition SWP No.1392/2014 against the decision dated 17-06-2014. The Hon'ble Court has passed the following interim directions on 04-07-2014;

**"Notice in the CMP as well.**

***In the meantime, while respondents may proceed with the process initiated vide Communication impugned in the petition but final decision shall not be taken till next date of hearing before the Bench".***

Whereas, in terms of Jammu and Kashmir Higher Education (Subordinate) Service Recruitment Rules notified under SRO-64 of 2009 dated 16-03-2009, the eligible officials were placed before DPC for consideration;

Whereas, the Departmental Promotion Committee in its meeting held on 15-12-2014 examined the case of eligible candidates under rules and recommended their promotion against the available vacancies;

Whereas, the minutes of the DPC were under examination with the department in terms of Hon'ble Court directions and in the meantime the department received fresh directions passed by the Hon'ble High Court on 20-12-2014 as under:-

" Learned counsel for the applicant prayed that respondents be directed to implement the court order dated 10-04-2014 passed in SWP No.1392/2014.  
Application is disposed of an respondents are directed to implement the aforesaid court order".

Whereas, the recommendations of the Departmental Promotion Committee for promotion of eligible candidates against various categories of posts were kept in hold in terms of the following direction passed by the Hon'ble Court on 04-03-2015:-

***Learned counsel for the writ petitioners, in his fairness, submitted that the aforesaid court order would require to be modified restricting his application only to the posts of Senior Assistants.  
For the above stated reasons, this application if allowed and order dated 4<sup>th</sup> July 2014 is modified. The court orders is restricted to the posts of Senior Assistants and official***

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**respondents would be at liberty to proceed with the process of making appointments by way of promotion to all other posts in accordance with the rules.**

**CMP is disposed of alongwith CMP No: 414/2015"**

Whereas, the promotions of Junior Assistants to the posts of Senior Assistants were kept in abeyance in terms of the Hon'ble directions.

Whereas, the department issued orders of promotion in favour of eligible candidates on the recommendations of Departmental Promotion Committee vide Govt. Order No.321-HE of 2015 dated 27-10-2015;

Whereas, in terms of J&K Higher Education ( Subordinate) Service Recruitment Rules of 2009 a person appointed against the post of Junior Assistant by direct recruitment or by promotion after 19<sup>th</sup> September 2008 shall undergo and qualify the Secretariat Assistants Examination/Training during the period of his probation;

Whereas, the promotion of petitioners against the posts of Junior Assistants have been regularized after 19<sup>th</sup> September 2008, on the recommendations of Departmental Promotion Committee from the date of availability of posts in terms of direction of Hon'ble Supreme court passed in the case of Suraj Prakash Gupta and others, shall have to qualify the Secretariat Assistant Examinations/training for becoming eligible for promotion.

Whereas, among the petitioners, 3 petitioners who have passed the requisite examination approached to the Hon'ble court for withdrawal of their writ petition and the Hon'ble Court has passed direction on 09-12-2015 as under:-

**" In view of the pleading of the parties and with reference to relief claimed for order dated: 4-3-2015 is modified by providing that the respondents are allowed to consider the eligible officers including the petitioners for promotion against the higher post. Petitioners are at liberty to approach the competent Court of Law, in case they are aggrieved of the promotions".**

Whereas, in order to implement Hon'ble Court directions the department examined/considered the recommendations of Departmental Promotion Committee in light of relevant rules, and

Now, therefore, in continuation of Government Order No.321-HE of 2015 dated 27-10-2015, sanction is hereby accorded to the promotion of the following officials against the available posts shown against each with effect from 15-12-2014 as recommended by the Department Promotion Committee:-

S.No	Name of the official	Designation	Post against which promoted
1	Kunzes Angmo	Junior Assistant	Senior Assistant
2	Noor-ul-Hai	Junior Assistant	Senior Assistant
3	Asifa Bashir	Junior Assistant	Senior Assistant
4	Rehana Nazir	Junior Assistant	Senior Assistant
5	Yasmeen Akhter	Junior Assistant	Senior Assistant
6	Mohd Shafi Thakur	Junior Assistant	Senior Assistant
7	Mohd Yousuf Dar	Junior Assistant	Senior Assistant
8	Gh. Mohd Rather	Junior Assistant	Senior Assistant
9	Khurshid Ahmad Kumar	I/C Junior Assistant	Junior Assistant
10	Safoora Akhter	I/C Junior Assistant	Junior Assistant
11	Gulzar Ali	I/C Junior Assistant	Junior Assistant

By order of the Government of Jammu and Kashmir

Sd/-

(Dr. Asgar Hassan Samoon) IAS  
Commissioner/Secretary to Government  
Higher Education Department

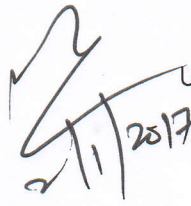
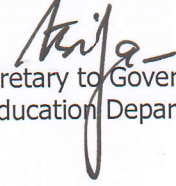
2/11/2017

No:-HE-Coll/NGK/GN/Apptt./2013-14

Dated:-02-01-2017

Copy to the:-

1. Principal Secretary to the Hon'ble Chief Minister, J&K, Jammu.
2. Director Colleges, Higher Education Department.
3. Director, Archives, Archaeology & Museum, J&K Jammu.
4. Nodal Principal, Amar Singh College, Srinagar.
5. Principal, Govt. Degree College, \_\_\_\_\_
6. Mr. Irfan Andleeb, Deputy Advocate General J&K High Court, Srinagar
7. SA to (HEM) for information of the Hon'ble Minister for Education.
8. SA to (MoS) for Education for information of the Hon'ble Minister of State for Education.
9. PS to Commissioner/Secretary to Govt., Higher Education Department.
10. Law Officer, Higher Education Department for necessary action.
11. Concerned candidate.
12. Government Order file (w.2.s.c)
13. I/C Website of Higher Education Department
14. Personal file.

   
2/1/2017  
Under Secretary to Government  
Higher Education Department