



Government of Jammu and Kashmir
Higher Education Department
Civil Secretariat, J&K

Subject: OA No.16/449/2022 titled Sarita Khajuria V/s UT of J&K and others.

Government Order No. 150 -JK(HE) of 2022

Dated: 06 -06-2022

Whereas, vide Government Order No. G.O No.110-JK(HE) of 2022 Dated: 02.05.2022, among others Smt. Sarita Khajuria Assistant Professor was transferred from Government Degree College, Bishnah to Government Degree College, Jindrah. In this regard, she has submitted a representation to the Department on 04- 05- 2022 which has not been decided as alleged.

Whereas, aggrieved by her transfer, She approached the Hon'ble Tribunal. The Hon'ble Tribunal while considering the matter disposed of the petition vide order dated 11.05.2022 which reads as under:-

"On consideration of the submissions of the counsels for both the parties, this, has disposed of OA/ petition at admission stage, without expressing any opinion on merits of the case, directing Respondent No.1 to consider the pending representation of the applicant dated 04- 05-2022 as per provisions of applicable rules on the subject and decide it with a reasoned order within two weeks from the date of receipt of a certified copy of this order and within one week thereafter to communicate it to the applicant".

Whereas, in compliance to the order dated 11.05.2022, the case was examined and it was observed that there are 18 surplus faculties (Dogri) in different Colleges while 31 posts are vacant in other Colleges.

Whereas, this is leading to an anomalous situation whereby there are no teachers in 31 locations where posts are available whereas the teachers of 18 colleges are finding it difficult to draw their salaries in the absence of sanctioned posts The said Surplus staff represented the Department for drawl of their salaries as no vacant posts are available in their colleges to draw the salaries.

Whereas, keeping in view request of surplus staff, the process of rationalization was initiated to streamline the functioning of GDCs and to settle the File No.HED-LEG/105/2022-04-Higher Education Department issue of drawl of salary once for all.

Whereas, upon further examination of the matter, it was observed that in GDC Bishnah, there is only one sanctioned post in Dogri subject. However, three Assistant Professors are working in GDC Bishnah against one sanctioned post. The details along with stay position of all the three APs are as under:-

S.No.	Name	Stay
1	Dr. Sarita Khajuria	05.06.2017
2	Dr. Sushma Kumari	09.09.2017
3	Prof. Shallu Rani	28.08.2019

Whereas, Dr. Sarita Khajuria is not just surplus in the college, but among the surplus faculty, she has the maximum tenure of stay there.

Whereas, in light of the above, the applicant namely Dr. Sarita Khajuria who was posted without a post and was having maximum stay period and was accordingly transferred to GDC Jindrah against an available post.

Whereas, the representation of the applicant has been examined and on its examination it has been found that three Officers including applicant were working against one sanctioned post. Among the three staff/ faculty members, the applicant has completed nearly 05 years at her present position.

Whereas, transfer is exigency of service and officers/faculty are transferred based on needs of the organisation and interest of the students.

Now, therefore, consequent upon above, and in compliance to the order dated 11.05.2022 passed OA No.16/449/2022 titled Sarita Khajuria V/s UT of J&K and others, the cases of the applicant Dr. Sarita Khajuria has been carefully considered and found without any merit. Hence, her representation is rejected.

By order of the Government of Jammu and Kashmir

Sd/-

(Rohit Kansal) IAS

Principal Secretary to Government

No. HED-LEG/105/2022-04

Dated:- 06 -06.2022

Copy to the:-

1. *Joint Secretary, Jammu and Kashmir, MHA, GoI.*
2. *Principal Secretary to Hon'ble Lt. Governor, J&K.*
3. *Director, Archives, Archaeology & Museum, J&K.*
4. *Director Colleges, J&K.*
5. *OSD to Hon'ble Advisor (B).*
6. *Principal, GDC Jindrah.*
7. *Principal, GDC Bishnah.*
8. *PS to Principal Secretary, Higher Education Department.*
9. *Concerned _____.*
10. *I/C Web Site Higher Education Department*
11. *Government Order file. (w.2.s.c.):*


06.06.22
(Dr. Ashwani Hansa)JKAS

 Under Secretary to Government